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The Solicitors' Journal.

LONDON, OCTOBER 31, 1874.

THE JUSTICES OF KENT have decided to admit solicitors to audience before the licensing committees, when appearing on behalf of their own clients—a limitation probably suggested by the unfortunate prominence recently given to the existence of this restriction. As we pointed out a fortnight ago, the maintenance of the rule previously laid down would have involved considerable hardship not only to practitioners who had long been accustomed to appear in the class of cases coming before the committees, but to the public, who would have been driven, without any adequate reason, to resort to the assistance of the more expensive kind of advocate. On all grounds the relaxation of the restriction previously laid down is to be welcomed, and we think that, on reflection, the members of the Kent sessions bar will regret the letter from their leader which was read in court.

MESSERS. HARMAN AND PRATT will probably entertain a lively sense of the mutability of human affairs, and particularly of affairs governed by the will of irresponsible arbitrators. Last year Lord Westbury decided (*ante*, p. 25) that upon two successive amalgamations they, as policyholders in the original company, had not "novated" with either of the absorbing companies—that is, they had not accepted the liability of either in substitution for, but only in addition to, that of the original company. "I shall declare," said Lord Westbury, "that it is not a case in which Mr. Harman accepted the liability of any company in lieu of, and in discharge of, the original company; that these companies became bound and liable to Mr. Harman by way of addition, and not of substitution. . . . This decision will also apply to Mr. Pratt." Alas for the finality of declarations and decisions! Lord Westbury was succeeded by an arbitrator to whom words which he deemed "innocuous" are apparently pregnant with meaning, and in whose view expressions which Lord Westbury termed "slight" possess grave importance. Lord Romilly ordered the case already decided by Lord Westbury to be reheard, and on Wednesday last announced that he had come to an opposite conclusion from that arrived at by the former arbitrator. This is undoubtedly depressing for Messrs. Harman and Pratt, but they may console themselves with the reflection that if only the arbitration lasts long enough—which, if all the novation cases are to be reheard, seems probable—yet another arbitrator may arise, less favourable to Lord Cairns' views on the subject of novation, and that the cases may again be reheard and decided in their favour. In the meantime we may be permitted, on behalf of the profession, to deplore that in reversing a judgment in which Lord Westbury was at much pains to lay down the principles on which he acted, Lord Romilly should have left us so completely in the dark as to the grounds of his decision.

WE PRINT ELSEWHERE a report of an elaborate judgment in which Mr. Stonor, the judge of the Reading County Court, has held, in brief, that to the carrier's implied contract, or common law duty, to convey his passengers with reasonable diligence, there is added in the case of a railway company an express promise on their part to carry their passengers at and within certain fixed times specified in their time-tables, and that an express proviso prefixed to the time-tables, limiting that superadded obligation, is to be rejected as wholly nugatory. The decision was considered and prepared in view of an appeal, and it presents with clearness and force views which appear to be prevalent among the county court judges before whom the question has come. It appears to us, however, that both in the judgments which have been delivered, and in the discussions which have taken place on the question, an important class of decisions, bearing very closely upon the question of the validity of special stipulations intended to release railway companies from their common law liability, has been overlooked—we mean the decisions arising on the notices or special contracts by carriers of goods, before the Railway and Canal Traffic Act was passed. While fully recognising the difference which exists between the extent of the common law liability of carriers of passengers and that of carriers of goods, we would nevertheless point out that there is a strict analogy between the express contracts entered into by each for the limitation of such liability. In the case of *Peel v. The North Staffordshire Railway Company* (11 W. R. 1023, 10 H. L. Cas. 473), the history of the long conflict between carriers and customers is admirably traced by Mr. Justice Blackburn. "It was formerly," he says, "a question of much doubt how far common carriers on land could by contract limit their responsibility, upon the ground that, exercising a public employment, they are bound to carry for a reasonable compensation, and had no right to change their common law rights and duties. And it was said that, like innkeepers, they were bound to receive and accommodate all persons, so far as they may, and could not insist upon special and qualified terms. The right, however, of making such qualified acceptances by common carriers seems to have been asserted in early times. Lord Coke declared it in a note to *Southcot's case* (4 Rep. 84), and it was admitted in *Morse v. Shue* (1 Vent. 238). Pursuing his way through the authorities, Mr. Justice Blackburn comes down to the period when "railways came into general use, and began to supersede all other modes of conveyance. The companies became in the habit of imposing conditions on their customers intended to restrict, and in some cases entirely to remove, their liability, to an extent many persons thought unreasonable. The validity of such restrictions was questioned in various actions; and the series of decisions arose which resulted in settling the law in such a manner as to cause the Legislature to intervene by the Railway and Canal Traffic Act, 1854." The decisions referred to by the learned judge clearly show that companies might, by special conditions exonerating themselves from responsibility for damage however caused, protect themselves against loss arising from the neglect of their servants.

Such then was the law before the Act of 1854 as to special contracts with carriers relating to goods, and we may venture to inquire whether the law as to like contracts relating to passengers was not identical? What distinction in principle could be made? With respect to the carriage of goods, the Legislature intervened by the Carriers Act 11 Geo. 4, and 1 Will. 4, c. 68, and the Railway and Canal Traffic Act, 1854. But there has been no similar intervention with respect to special contracts with passengers. The judge of the Reading County Court indeed alludes to a statutory obligation imposed upon railway companies by their private Acts and by the Railway Clauses Consolidation Act, 1845, section 86, to carry passengers at fixed rates. But the effect of that section is merely to empower the companies to run

trains, to carry passengers, and to make reasonable charges, not exceeding the tolls by their special Acts authorised. We find there no prohibition or limitation of special contracts or notices. And section 89 says that the companies are not to be liable to a greater extent than common carriers, and that nothing in that or their special Act "shall extend in any degree to deprive the company of any protection or privilege which common carriers or stage-coach proprietors may be entitled to."

IN LAST FRIDAY'S *Gazette* our Government published the official protocols of the different meetings of the conference held at Brussels last July, together with a series of despatches from Sir A. Horsford, the English delegate. Sir A. Horsford's final report of September 4 (No. 44) contains an able *résumé* of the whole of the proceedings of the Conference, which by itself gives a very good idea of what was done, and will, moreover, be found a useful guide through the protocols and his own contemporary reports of the different meetings. All the independent European States, down to Denmark, Greece, and Turkey, were represented each by one or more delegates. The United States Government was the only one invited by the Emperor of Russia which declined to take part in the conference.

The first impression produced by reading the proceedings of the Conference is somewhat disappointing, as nothing was finally agreed upon. The draft international declaration as to the laws and customs of war (*projet de déclaration International*), which resulted from the twenty-four meetings, was ultimately only submitted to the different Governments "as a basis for an ulterior exchange of ideas," and the protocols show that at least one important subject—viz., reprisals—was omitted from the draft declaration, and not discussed at all, and that on several other points of great importance—e.g., the position of the inhabitants of territories occupied by the enemy, and the requisition system—there were very serious differences of opinion. But, on further looking into and considering the proceedings of the Conference, this feeling of disappointment has with us given place to a belief that the Conference has really effected a good deal—quite as much, indeed, as could be reasonably expected—towards paving the way for a general international agreement hereafter as to the rules to be observed in land warfare.

Of the numerous points comprised in the fifty-six articles of the draft declaration, the permanent conflicts of opinion which manifested themselves among the delegates were confined to comparatively few, though no doubt very important, questions. It may be alleged that most of the other points (as to which no difference of opinion existed beyond what could be removed by amicable discussion) are of no real moment, but although such points may be without importance in this sense, that no statesman or general can foresee whether settling them in any particular manner will be advantageous or disadvantageous to his State in a future war, and therefore will agree to whatever rule seems most humane, yet when a war has begun and the belligerents have got into particular positions, the difference between two possible rules on a point previously unimportant may become of extreme importance. For instance, after the battle of Sedan, the sufferings of the German and French wounded would have been considerably alleviated if the Belgian Government had allowed them to be carried to Germany through Belgium; but as this would have relieved the railways by which the Germans were bringing supplies for their armies into France, it would have been disadvantageous to the French, and therefore the Belgian Government held it inconsistent with their neutrality to permit the transit. Now the draft declaration has recognised the right of the neutral state to allow the transit of sick and wounded, apparently without any single objection. Again, during the siege of Paris it was the interest of the Germans to check as far as possible communications by balloon between the city and the open country, and accordingly they deduced from the

general theory of international law that a person floating over the enemy's lines was a spy. The draft declaration (Art. 22) negatives this view.

The most important of the permanent conflicts of opinion related to the rising in arms of the population of a territory already occupied by the enemy. The draft declaration (Art. 10) proposes that the population of a non-occupied territory rising in arms shall be considered as belligerents if they respect the laws and customs of war, although they may not have had time to organise themselves under a responsible head and with distinctive badges recognisable at a distance. The German delegate proposed to accompany this by a declaration that the inhabitants of a *de facto* occupied territory taking up arms might be punished, but the Belgian, Dutch, and Swiss delegates strenuously opposed this. But their opposition seems to us to have been founded more on sentimental than on practical considerations. They did not dispute that if the population of an occupied territory rose, the invaders would probably treat them with severity, but they insisted that the Government of the invaded country could not in advance sanction such treatment. But the experience of all recent wars has shown that although the Government of the invaded country may not sanction these severities, it is powerless to protect its subjects from them, as the weaker of two belligerents cannot venture on reprisals, especially when part of its territory is in the other belligerent's occupation. It would, in our opinion, be more advisable candidly to tell the inhabitants of the occupied territories, "If you rise the enemy will punish you without our being able to prevent it," than to encourage or allow them to rise in the ignorant belief that they will be treated as belligerents, and then acquiesce in their being treated otherwise.

A QUESTION WAS RAISED at the meeting of the Solicitors' Benevolent Association at Leeds, respecting the dinner which takes place annually in support of the objects of that institution. Objection had been raised by some, because the invitations were not confined exclusively to solicitors, and by others, because the charge for the tickets did not cover all the expenses attending the dinner. It was argued that it was derogatory to solicit the aid of members of the bar, and it was pointed out that solicitors have not been asked to contribute to the funds of the society recently established for the assistance of unsuccessful or unfortunate barristers. It was, moreover, urged that the society had now attained a position in which it could afford to rely entirely upon the support of solicitors. These considerations so much influenced those who were present that it was unanimously resolved to limit the invitations in future to solicitors. We cannot but approve of this resolution. In the earlier days of an association of this kind there is no impropriety in soliciting the patronage of judges and other influential persons, and thus securing all the influence which their presence at the festival is likely to exercise. When, however, such an association is established on a firm basis, and when, as in the present case, the judicious administration which has characterised the distribution of its funds has recommended it to, and secured the confidence of, a large body of solicitors, self-respect requires that it should look to them for a continuance, and an increase, of that countenance and support, which its objects so well deserve. There will, of course, be nothing to prevent members of the bench and bar, if so disposed, from contributing to the funds of their own accord, but for the future they will not be solicited to do so, while, at the same time, what they may voluntarily bestow will be gratefully received and acknowledged.

From the last half-yearly report of the directors it appears that the recent anniversary festival resulted in an addition of £538 4s. 6d. to the funds, and that the expenses incident to the dinner exceeded the amount received for tickets by £46 1s. 6d. Complaint can

scarcely be made against the directors on this latter account. The dinner is simply one way of bringing the society under the notice of the profession; and no one can say that the result has not justified the expenditure in this respect. The suggestion that the president of the Incorporated Law Society, for the time being, should be asked to preside at each anniversary will, no doubt, be carefully considered by the directors. It may not be desirable to lay down a fixed rule in this respect, as any departure from it would necessarily be somewhat invidious. Still the president will generally be the most fitting, and often the most genial chairman that the association could possibly select.

AT THE EAST KENT COUNTY COURT, held at Sittingbourne on Wednesday last, the judge, Mr. George Russell, remarked upon the hardship of the rule with regard to attorneys' fees in those cases in which the plaintiff's claim was under £5. We are not aware of the circumstances of the case which gave rise to the judge's observations; but it is quite obvious that there must be many such cases in which it would be desirable that the judge should be empowered to allow the successful party his attorney's fee. We are not much in favour of leaving questions of this kind to the discretion of judges; but it is clear that the rule needs modification, and in most cases justice would be done by permitting the judge to give the costs of an attorney in cases in which the merits appear to justify his employment, notwithstanding that the demand is less than £5. No fault could be found with the rule, if it were altered in this respect. It no doubt operates for the most part beneficially, and prevents abuses which might defeat one of the objects for which these courts were originally established. We commend Mr. Russell's suggestion to the favourable consideration of the committee of county court judges, and we trust that they will be able to see their way to procure its adoption.

WITH REFERENCE to the circular recently issued by the Home Office, inviting suggestions from magistrates as to the amendment of the law relating to the summary jurisdiction and procedure of justices of the peace, we print in another column a communication from the secretary to the Justices Clerks' Society stating in detail the amendments which, in his view, experience has suggested in the existing law on this subject. It is much to be hoped that the measure in contemplation will consolidate the existing enactments, and provide a uniform and simple procedure.

THE NEW COUNTY COURT JUDGE of the Norfolk Circuit is Mr. Edwin Plumer Price, Q.C., Recorder of York. We cannot congratulate the profession on this appointment.

THE VENDOR AND PURCHASER ACT, 1874.

In considering this important statute it is necessary to bear in mind that part of it has been in full operation since the 7th of August last, while the rest will have no effect except in the case of contracts for the sale of land entered into after the last day of the present year. We shall first treat of those provisions of the statute which are now in force.

By far the most important provision is section 7, whereby it is enacted that "no priority or protection shall begin or be allowed to any estate, right, or interest in land by reason of such estate, right, or interest being protected by or tacked to any legal or other estate or interest in such land," and that full effect shall be given to this enactment as against purchasers for value without notice. We do not quite understand what is meant by taking away the protection afforded by estates or interests which are other than legal—that is, we suppose, equitable. Whatever this protection may be, however, it is clear that it is now gone; and it seems to be equally clear that all the

advantage and protection afforded to the holders of the legal estate are swept away, and that it is not correct to say (as was said by a correspondent, in a letter we printed last week) that the Act only takes away the power of tacking. If, as we cannot but think it to be the intention of the Act, the legal estate is henceforth for all purposes and in the hands of all persons, to be worth absolutely nothing at all in the way of protection, the change which the Act has effected will be very great, but whether it will be a change fulfilling the promise of the preamble, by "facilitating the transfer of land," remains to be seen. As the law stood before the Act there was a something, by obtaining which a *bonâ fide* purchaser without notice could render his position secure and unassailable, while now no such purchaser, by any exercise of diligence, will be able to fortify himself against the prior claims of honest, though less cautious, claimants. The original intention of the framers of the Act was that it should be passed simultaneously with an Act establishing a register of title. If this latter Act were in operation, the abolishing of the protection of the legal estate would not affect the land on the register; while the safety given to dealings with registered land, combined with the increased insecurity of dealings with unregistered land, would no doubt have acted as an inducement to put land on the register. But to abolish all the advantages of the legal estate while as yet there is no register, seems to us to be rather a hasty and ill-considered proceeding. We do not in any way defend the doctrine of tacking. The unseemly struggle between two incumbrancers for the legal estate could not be supported on principle, and we should be sorry to say a word in its favour. But all that portion of the scandal might well have been got over (as was pointed out by the correspondent to whom we have referred), by enacting that a first mortgagee should be bound to accept notice of subsequent incumbrances, and to give information about such incumbrances to all persons making inquiries about them, and that priority should be obtained by priority in giving notice. The other questionable uses of the legal estate might have been met by careful enactments having for their object the prevention of getting in the legal estate *after notice* of prior equities. Careful changes such as these would have been welcomed by us all; while we cannot but fear that the sweeping away of the whole doctrine of the legal estate will be attended with great insecurity on purchases and mortgages. If full effect is to be given to the change, and if such cases as *Dixon v. Muckleston* (21 W. R. 178, L. R. 8 Ch. 155), are to be guides for the future, we may find a purchaser for value without notice, and who has got all the usual deeds and the legal estate, deprived of his purchase at the suit of some old lady who has taken a deed a hundred years old under the impression that she was getting the title-deeds of the property. It may be that the subtlety of judges will put some interpretation on the words of the section which will leave the position of persons who take the legal estate at the time of the creation of their equities the same as it was before the passing of the Act. But it appears to us that, without doing great violence to the words of the section, it is not possible to come to any other conclusion than that the Act puts an end to all the protection afforded by the legal estate.

The section on which we have been commenting concludes with the following proviso:—"Provided always, that this section shall not take away from any estate right, title, or interest, any priority or protection which, but for this section, would have been given or allowed thereto as against any estate or interest existing before the commencement of this Act." The effect of this proviso seems to be, that as to all transactions actually completed before the passing of the Act, that is to say, where the legal estate has been got in before the Act, the right to protection is not taken away by the Act.

Other present changes in the law are as follows:—(section 6) a married woman who is a bare trustee of

freeholds or copyholds may convey or surrender as if she were a *feme sole*; (section 5) on the death of a bare trustee of any corporeal or incorporeal hereditament of which he was seised in fee simple, such hereditament shall vest like a chattel real in his legal personal representative; and (section 4) the legal personal representative of a mortgagee of freeholds or of an admitted mortgagee of copyholds, may, on payment of all sums secured by the mortgage, convey or surrender the mortgaged premises, whether the mortgage be in form an assurance subject to redemption, or an assurance upon trust.

On some difficulties which may arise under sections 4 & 5 we may refer to the letter of a correspondent printed in another column. To these we may add a difficulty which we think likely to arise out of the words in section 4 which we have italicised. It would, in our opinion, have been better to have given the executors of a mortgagee power generally to transfer the mortgaged estate, without making their power conditional on all the money being paid off. As the clause stands, the power to convey or surrender does not arise until all the money is paid off, and consequently evidence will have to be kept that everything was paid off before the executors purported to transfer the estate.

Section 8 provides that where the will of a testator devising land in Middlesex or Yorkshire has not been registered within the period allowed by law in that behalf, an assurance of such land to a purchaser or mortgagee by the devisee, or persons claiming under him, shall, if registered before, take precedence of and prevail over any assurance from the testator's heir-at-law.

An important provision is made by sections 9 and 10, whereby vendors and purchasers of real or leasehold estates in England or Ireland may apply in chambers to a judge of the Court of Chancery of England or Ireland respectively as to any requisitions or objections or claims for compensation, or any other question not affecting the existence or validity of the contract; and the judge is to have power to make orders on the application, and to direct who shall bear the costs. The Act is silent as to whether the question may be adjourned into court, or whether there shall be an appeal from the judge's order; nor is power given to the court to make rules for the conduct of this new branch of its business.

We have now gone through all the sections of the Act which are already in force, and shall conclude by briefly epitomising those sections which relate only to future contracts.

The first section enacts that in the completion of contracts of sale of land made after the 31st of December, 1874, forty years shall be substituted for sixty years as the period of commencement of title. This enactment is of course made subject to express stipulations in the contract; and a longer title than forty years may be required in those cases in which a longer title than sixty years may now be required.

The 2nd section provides that in completing such contracts as aforesaid, and subject to special stipulations in the contracts, the following rules shall prevail:—(1) Under a contract to grant or assign a term of years, whether derived, or to be derived, out of a freehold or leasehold estate, the intended lessee or assign shall not be entitled to call for the title to the freehold. It will be seen that this rule will not preclude the purchaser of an underlease from calling for the title to the original lease. (2) Recitals, &c., in deeds, &c., twenty years old are to be evidence, except so far as they shall be proved inaccurate. (3) Purchasers are not to object to the absence of a legal covenant for production of deeds if their conveyance will give them an equitable right to such production. (4) The expense of covenants for production is to be borne by the purchaser, but the vendor is to bear the expense of his own perusal and execution, and of the perusal and execution of all necessary parties except the purchaser. (5) Vendors retaining any part of an estate to which documents of title relate may retain such documents.

By section 3 trustees are empowered to sell or buy without excluding the operation of these rules.

LEGISLATION OF THE YEAR.

INFANTS' RELIEF.

CAP. LXII.—An Act to amend the Law as to the Contracts of Infants.

This Act ought to be headed "An Act for the protection of young noblemen and officers and of undergraduates at the Universities of Oxford and Cambridge"—those being the persons on whose behalf we are chiefly accustomed to hear such complaints as its stringent provisions are intended to meet; and it would have been more convenient to the public if this had been honestly admitted and the operation of the statute limited to that class. By the first section all contracts entered into by infants, whether under seal or without seal, for money lent or to be lent or goods supplied or to be supplied (other than contracts for necessities), and all accounts stated with infants are for the future rendered absolutely void (subject to a proviso we will afterwards notice); and by the second section no action is to be brought whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification made after full age of any promise or contract made during infancy, whether there shall or shall not be any new consideration for such promise or ratification after full age.

Hitherto, contracts by infants have been commonly said to be voidable only, and not void, the consequence of which was, that the infant might always sue on a contract made with him (*Warwick v. Bruce*, 2 M. & S. 205), and might, after attaining his full age, ratify it; and, similarly, an account stated by an infant, though not binding on him, might be adopted or ratified after he had attained his majority, and he might then be sued upon it (*Williams v. Moor*, 11 M. & W. 256). Considering the manner in which the words "absolutely void" have been before now dealt with by the courts, we cannot say with any confidence what effect will be given to them in the present statute; but since the Legislature has deliberately changed a "voidable" contract into a "void" one, it will hardly be possible to refuse the words an extensive meaning.

So far, then, as concerns transactions with infants relating to money lent or goods supplied, it seems that every question arising out of them must be determined as though no contract had ever existed at all. It is true the Act only says that contracts entered into by infants are to be void, but this necessarily implies that the contracts are equally void as against the other contracting party; for the case is not like the case of one party having evidence to bind the other, and not *vice versa* (as under the Statute of Frauds, *Reuss v. Picklesley*, 14 W. R. 924, L. R. 1 Ex. 342); here the contract is itself made void; it seems, therefore, that neither the other contracting party nor the infant can maintain an action on the contract either during or after infancy. Money, however, actually paid by either party cannot be recovered back, for in *Holmes v. Blogg* (8 Taunt. 508), and in *Ex parte Taylor* (8 De G. M. & G. 254)—in both of which cases the contract was avoided by the infant after attaining full age, and was, therefore, as if it had never been—it was held that the infant could not recover back money already paid; the court, in the former case, adopting the rule laid down by Lord Mansfield in the House of Lords, in *Earl of Buckingham v. Drury* (3 Bro. P. C. 492), that "if an infant pays money with his own hand without a valuable consideration, he cannot get it back again," and the Lords Justices, in the latter case, adopting that decision (see also *Louvy v. Bourdieu*, 2 Doug. 468). We do not see why the law contained in the above-mentioned decisions should not be good law still.

It does not seem equally clear, under this section, whether the infant who, after attaining his majority,

retains goods supplied during his infancy, and which are still under his control (for we need hardly consider the case of money borrowed by him remaining at his disposition) will be liable on an implied contract to pay for them. Perhaps it may depend on the knowledge of the other contracting party, and the question whether he meant to part with his goods on any other footing than that of a contract. However this may be, the infant will at least not be liable, nor even able to make himself liable, for goods or money which have passed out of his possession. And it is here that the statute may operate seriously with respect to infants engaged in trade, whose transactions during infancy must now, whether the infants are owners or objects of a claim, remain insecure until they are closed by actual payment. Juries will, however, still have a wide discretion on the question—What are necessities? which the courts will probably not be disposed to narrow. As to whether a contract is for "goods supplied or to be supplied," or for work and labour, the test will be found best stated in *Lee v. Griffin* (9 W. R. 702, 1 B. & S. 272).

The clause avoiding accounts stated with infants is of little practical importance; a statement of account never bound an infant; and a ratification or adoption by an adult of an account stated during infancy was practically a new statement of account.

But coming now to the second section of the Act, we find its scope, which in the first section seemed carefully limited to the case of money lent and goods supplied, enormously increased, and in such a way that one can hardly suppose any lawyer in either House to have paid the least attention to it; for while the first section is limited as above mentioned, the second applies to all contracts whatever. No person can be charged upon any ratification made after full age of any promise or contract made during his infancy. We shall now probably have the almost metaphysical question arising, which Parke, B., referred to, in *Williams v. Moor* (11 M. & W. 263), as unsettled: "What is the precise legal operation of the ratification by a party who has attained his age of twenty-one years of a contract entered into during his minority; whether it is to be treated as an act giving validity to an otherwise invalid contract, or as a new contract voluntarily entered into after the party has attained the capacity of contracting, the consideration being the moral duty arising from the previous transaction?" It may, perhaps, become necessary to decide which is the right view. If the former is held, then it would be of little moment to have limited the operation of the 1st section to contracts for money lent and goods supplied. No action can be maintained on an invalid contract which is never capable of being ratified, and by this section every infant's contract is such. But if it is allowed there may have been before twenty-one a consideration but no contract, and if it is really on this basis that actions have been hitherto sustained in respect of transactions with infants, there is nothing in the Act to prevent this from being still done, just as before. It is true the former view seems more in accordance with *Warwick v. Bruce*, and to be the one assumed by the Legislature in the present Act; but if it should turn out that it is not really the true one (and though no one can contradict what the Legislature says shall be law, the Legislature may make a mistake as to what is law), and that an infant's contract always was void, though the benefit he received might be a good consideration for a new contract after he came of age, then the Act will not have made any great change. However this may be, it will remain for the court to say that although no infant's contract can be ratified, there is nothing to prevent an implication of such new contracts as the justice of the case may require.

The proviso of the first section excepts from its operation such contracts as by any "existing or future statute, or by the rules of common law or equity" an infant may enter into, except such as are now by law voidable. What binding contracts for the supply of goods (other than necessities) or for the lending of money, infants are

now enabled by law, by equity, or by statute to enter into, we do not know. Nor do we know why the Legislature should think it necessary to exempt future Legislatures from the exercise of its authority; but the proviso is of a piece with the rest of this slovenly and scandalous statute.

EXPIRING LAWS CONTINUANCE.

CAP. LXXVI.—An Act to continue various Expiring Laws.

We must commend the practice, introduced for the first time this year, of continuing all the continued Acts to one particular day, i.e., the 31st December, 1875, instead of to a particular day of a future year, "and the end of the then next session." But we must say that the schedule appears to have swollen to an unnatural size. Here are no less than 34 statutes, dating from an Irish Linen Act of 1835 (5 & 6 Will. 4, c. 27) to the Petroleum Act of 1871 (34 & 35 Vict. c. 105), and comprising amongst their number such important enactments as the Master and Servants Act, 1867, and the Election Petitions Act, 1868, absolutely dependent for their continuance on the Government of the day. A much better plan than that at present obtaining is, we think, in case of doubt, to give an Act several years' trial, as was done in the case of the Ballot Act, so that a special continuing Act should be necessary in each case. None but the most indubitably formal statutes should be huddled together in one "Expiring Laws Continuance Act."

VENDORS AND PURCHASERS.

CAP. LXXVIII.—An Act to amend the Law of Vendor and Purchaser and further to simplify Title to Land.

We treat of this important Act in a leading article.

JUDICATURE ACT COMMENCEMENT.

CAP. LXXXIII.—An Act for delaying the coming into operation of the Supreme Court of Judicature Act, 1873.

With reference to this little Act, which fixes the 1st of November, 1875, as the time for the commencement of the Judicature Act, it is worth while to remember that the Lord Chancellor in one of the last days of last session said of it that "it was true that the Bill suspended till November, 1875, the coming into operation of the Act of last year, but it was the intention of the Government to present the Bills (Irish Judicature and Judicature Act Amendment) at a very early period of the next session, and if Parliament would address itself to them without delay, there was no reason why the Act of last year might not come into operation even before November—perhaps by the 1st of May."

PUBLIC WORSHIP REGULATION.

CAP. LXXXV.—An Act for the better Administration of the Laws respecting the Regulation of Public Worship.

This statute makes no alteration whatever in the law of the Church. It simply provides a new mode of enforcing it so far as it relates to the outward rites and ceremonies of divine service. The cumbersome procedure prescribed by the Church Discipline Act (3 & 4 Vict. c. 86) is not repealed, but will probably be superseded by the more simple provisions of the new Act. The purpose of the Act was described by the Prime Minister to be to "put down Ritualism," but if it is fairly worked, as of course it will be under such a judge as Lord Penzance, whilst ritualistic excesses will no doubt be put down, the shortcomings, wherever they exist, of the Evangelical or Broad Church parties, will also receive censure.

The Act, which is not to come into operation until July 1st, 1875 (section 2), relates solely and exclusively (1) to the furniture, ornaments, and decorations of the church or the minister; and (2) to observance of the rubrics in the Prayer-book, and it enacts (section 8) in

regard to these matters, with reference to any parish, cathedral or collegiate church, that if, in the case of a parish, the archdeacon, churchwarden or three parishioners, or in the case of a cathedral or collegiate church, three inhabitants of the diocese are of opinion that any illegal act has been done or act lawfully enjoined omitted, he or they may make a representation to the bishop in the form contained in Schedule B., and accompanied by a statutory declaration of the truth of the representation. The word "parishioner" includes only resident parishioners who sign the declaration of churchmanship prescribed in Schedule A. (section 6.) By section 9 a discretion is given to the bishop to stop all further proceedings *in limine*, at the same time filing a statement of his reasons in the diocesan registry. If, however, he thinks the case fit for inquiry, his next step (section 9) is to offer to both parties the option of submitting to his arbitration and directions. If they assent, he will hear the evidence and pronounce judgment, and, if necessary, issue a monition. From this judgment and monition there is no appeal. Should the parties, on the other hand, decline the Bishop's arbitration, he is bound to transmit the representation to the Archbishop, who in his turn will require the judge (appointed by the two Primates, under section 7) to hear it. The judge will, first of all, insist upon security for costs being given by the complainant, and then give twenty-eight days' notice to the parties of the time and place of hearing. The respondent must transmit an answer to the judge within twenty-one days after such notice, or in default he will be deemed to have denied the charges against him. Evidence is to be given *viva voce*. An appeal to the Privy Council, either on a special case stated by the judge, or on the shorthand writer's notes, will lie from the judge's judgment or monition, if any. Section 13 provides ample means for enforcing a monition by means of successive inhibitions, and, in the last resort, deprivation.

It is to be noted that attorneys and solicitors are to be at liberty to practise in the new court. Thus a limitation is placed upon the monopoly still enjoyed by proctors in the provincial courts, and which was recently attacked without success (*Burch v. Reid*, 17 S. J. 767, L. R. 4 A. & E. 118).

The Act is unquestionably an improvement upon the present system. One judge is to be preferred to a multitude of assessors in each diocese, and one appeal to the two, or even three, which are at present possible. But if Mr. Russell Gurney succeeds in extending the operation of the Act to all ecclesiastical causes, we would suggest that where the character of an accused clergyman is involved at the hearing before the judge a jury should be summoned, in the same manner as in an ordinary criminal trial.

ENDOWED SCHOOLS.

CAP. LXXXVII.—An Act to amend the Endowed Schools Acts.

By this Act, which is to be construed as one with the Endowed Schools Acts, the powers and duties of the Endowed Schools Commissioners, which by 36 & 37 Vict. c. 87, were continued as respects unopposed schemes until 31st December next, are after that date transferred for five years to the Charity Commissioners. Power is given to appoint two additional Charity Commissioners, and an additional secretary, whose salaries, unless otherwise directed by Parliament, are to cease to be paid at the expiration of five years from 31st December next. The salaries of these new officers, and of all officers to be hereafter appointed under the Charitable Trusts Acts or the present Act, are to be determined by the Treasury.

Consequent upon the amalgamation of the duties of Endowed School and Charity Commissioners is the alteration of section 52 of the Act of 1869, which enabled the Charity Commissioners to exercise their powers with reference to any educational endowment upon application made to them by the Endowed Schools Commissioners, as

if the application had been made by the governing body of the endowment. The Charity Commissioners may now exercise these powers without any application being made to them.

Section 48 of the Act of 1869 provides that a scheme shall not be submitted to the Committee of Council unless two at least of the Commissioners have signified in writing their approval of such scheme. The present Act repeals this clause and substitutes the requirement that before any scheme is submitted to the Committee of Council on Education it shall have been approved at a meeting of the board at which there are present not less than three Commissioners, of whom one is to be the Chief Commissioner, or, in his unavoidable absence, a Charity Commissioner to be named by the Committee of Council on Education. In other respects one Commissioner may act under the new, as under the old, Act.

Schemes submitted before the passing of the present Act by the Endowed Schools Commissioners to the Committee of Council may be proceeded with, but such schemes are to be circulated by the Committee, with a notice stating that during one month after the publication of such notice, the Committee will receive any objections or suggestions in writing respecting such scheme.

SUMMARY JURISDICTION AND PROCEDURE OF JUSTICES.

[COMMUNICATED.]

The importance of the circular issued by Mr. Secretary Cross inviting suggestions from the magistrates throughout England and Wales "as to the Amendment of the Law relating to the Summary Jurisdiction and Procedure of Justices of the Peace" cannot be denied, and if it leads to the passing of a comprehensive and consolidating measure it will tend to facilitate the administration of justice, and will at the same time confer a great boon upon magistrates, the profession, and all those who are in any way connected with the summary procedure before justices.

Lord Cairns, in introducing the Justices Procedure (England) Bill in 1871 in the House of Lords (which was subsequently withdrawn through pressure of business before Parliament), stated "that no less than 1,000 magisterial and petty sessions courts existed in the country, and considering the number of persons interested in the state of the law, and the number of cases, small in amount but important in their consequences, it was desirable to collect into one code the whole of the law, and the proceedings applicable to courts of this kind." The business at petty sessions courts has, during the past few years, greatly increased, and will doubtless continue to do so, seeing that additional functions of great importance are being continually conferred upon them. Amongst the many important measures conferring this jurisdiction may be noticed the Public Health Acts, the Sanitary Laws, Master and Servant and Licensing Acts.

The Acts which at all resemble Consolidation Acts, governing the proceedings before justices, are the Acts of 11 & 12 Vict. c. 42 and 43. These Acts effected many improvements in procedure, but they could only be regarded as a stepping-stone to further and more complete reform. With reference to 11 & 12 Vict. c. 43, in a paper read by the late Mr. Oke at the Social Science Congress in 1862, it was stated that the Act "does not create a uniformity of practice, for it exempts from its operation so many offences and matters, to which some, if not all, of its provisions might advantageously have been applied, and contains in every fourth or fifth section some exception or proviso as to portions of procedure supplied by other enactments which should have been repealed; so that its utility is much impaired, it being in fact and practically of limited operation, and in many cases only of a cumulative character, thereby creating confusion and uncertainty in the application of its provisions, as the questions submitted to the Superior Courts from time to time abundantly testify. It has likewise in many cases of modern legislation been referred to as the Act containing the procedure, without due consideration of the nature of its provisions, to many of which it was never intended to apply, and, as respects others, it provides no adequate

machinery to carry them out; whilst many statutes passed afterwards, to which it would have applied, have, regardless of the procedure provided by it, embodied similar clauses to those in it on procedure, and others have contained new and unnecessary enactments, applicable, in some instances only partially, to the steps taken in the same class or description of cases. As an illustration of recent date—in four of the important Criminal Law Consolidation Acts of the session of 1861 (24 & 25 Vict. c. 96, 97, 99, 100), there are upwards of twenty clauses as to procedure which were unnecessary, or were already law, and enacted in almost similar terms in the 11 & 12 Vict. c. 43, which is also specially, though unnecessarily, referred to in those statutes; and which clauses would have been more appropriate in a Consolidated Procedure Bill, and must be repealed when such a measure is brought before Parliament. In confirmation of this view, it was considered necessary, in the next session (1862), by a Bill (now the 25 & 26 Vict. c. 50) promoted by the Government, to amend these four Acts in regard to Ireland, by enacting that certain provisions in them as to procedure for offences punishable summarily should not extend to Ireland, which had already a better and more comprehensive code of procedure provided fourteen years since, in the 14 & 15 Vict. c. 93, three years later in point of time than our own incomplete measure, the defects in which were avoided."

The power given to justices in petty sessions to adjudicate summarily upon persons charged with certain felonious and indictable misdemeanours is conferred by the Criminal Justice Act of 18 & 19 Vict. c. 126, and the Juvenile Offenders Act 10 & 11 Vict. c. 82, extended by 13 & 14 Vict. c. 37. The former applies to offences where the property stolen is of limited value, and where the offender pleads guilty; the latter to offences committed by boys under sixteen years. The justices have no jurisdiction under either Act to deal with the cases under them unless the offender consents. A further anomaly is thus shown under these Acts—viz., in offences of "stealing from the person," and "larceny as a clerk or servant," the justices have no power to deal with offenders if the value of the property stolen does not exceed 5s., but if it exceeds 5s. the justices have power to deal with offenders without reference to value or age, provided the offender consents to their jurisdiction.

Having thus cursorily considered the law relating to summary jurisdiction and procedure before justices, we now venture to consider the nature of the amendments in the law which may be effected. The summary jurisdiction of justices under the Criminal Justice Act and Juvenile Offenders Act might be extended to cases where the value of the property stolen does not exceed a certain amount—for instance, £5, and might be made to include cases of larceny by clerks or servants, embezzlement, false pretences, and receiving stolen property, whether on plea of guilty or not. A uniform time should also be limited within which all charges must be preferred. Considering the importance of the powers already conferred upon justices in petty session, this further jurisdiction may wisely be extended to them. It will, in a great measure, obviate the expense now entailed upon the county and borough authorities, also upon prosecutors by commitments for trial to quarter sessions, and moreover will afford to offenders a speedy trial. A discretion might be given to justices to deal summarily with cases of the kind before mentioned, notwithstanding a former conviction. They might also have power given them to punish by whipping male offenders under sixteen years of age, liable to fine and imprisonment, and other offenders in the same manner who have been convicted of aggravated assaults, and they should also be enabled to require recognisances by either party in cases of assault or breach of the peace, although not applied for.

Opinions have been expressed that powers should be given to justices to award penalties or portions thereof to complainants in cases of assault, but this proposal would be of doubtful utility, seeing that it might lead to an increase of complaints of a frivolous nature, and, as county courts have jurisdiction in such cases, the change seems unnecessary.

Power might also be given to clerks to justices to receive complaints and to issue summonses, also summonses

to witnesses, and for production of documents; to allow recognisances to be entered into before them: to give notices convening special sessions, and if no justice attends, to adjourn sessions, and, amongst minor matters, to tax costs. Practically the receiving and issuing of complaints and summonses is now done by clerks to justices, and the granting of this power will be a convenience to the public, and will assimilate the procedure to the practice of county courts, where a like power is conferred upon the registrars, who issue all complaints and summonses. In order to provide for the authentication of such documents, an official seal should be used, to be recognised in all courts of justice. A record of all convictions should be kept in each petty sessional division, and such record, or certified extracts therefrom, should be made evidence. Proof should be allowed to be given of service of summons by affidavit or declaration, and the service thereof at last known place of business as well as at last known place of abode should be made a good service. Further provision should be made for authorising the execution of justices' warrants in England without being backed, and to give effect to summonses to witnesses and warrants for apprehension of witnesses neglecting to obey such summonses, although served or executed beyond the jurisdiction from which they were issued.

Any measure to be introduced should make the payment of clerks to justices by salary compulsory, and should provide for the framing of a uniform table of fees adapted to all duties of justices' clerks, giving remuneration for such duties in a fair and liberal spirit, considering the importance of the business upon which they have to advise. It should also declare out of what fund the fees are to be made payable. The law is in many instances uncertain on this point, as will be seen by the recent case of *Reg. v. Overseers of Haslingfield* (22 W. R. 260). By that decision the clerk to justices was deprived of the fee for allowance of jury lists, although the payment of it by the overseers was provided for in the table of fees sanctioned by the Home Secretary. The justices have no fund out of which to discharge this liability, and consequently the fee is lost. Provisions should be made for limiting the appointment of clerks to magistrates to solicitors of a certain number of years' standing, power being given to them, with the consent of the Justices, to appoint a deputy.

All must feel that the Home Secretary is to be congratulated upon the way in which he is proceeding to deal with this important matter by inviting suggestions from those practically acquainted with the subject, and we trust that the suggestions he may receive will ultimately lead to the passing of a useful and practical measure.

Reigate.

J. MERRICK HEAD.

RECENT DECISIONS.

EQUITY.

FORECLOSURE—LAND OUT OF THE JURISDICTION.

Paget v. Ede, V.C.B., 22 W. R. 625, L. R. 18 Eq. 113.

This case is remarkable as being the only reported case in which the Court of Chancery has made a decree for the foreclosure of lands situate out of the jurisdiction of the court. The question had already been virtually decided in *Toller v. Carteret* (2 Vern. 494), where, in the year 1705, the Lord Keeper (Sir Nathan Wright) overruled a plea to a bill for foreclosure of the Island of Sark, on the ground that the defendant was served with the process here, *et equitas agit in personam*. This was precisely the state of things in the recent case, in which the mortgagor and the mortgagees were domiciled in England both at the date of the mortgage—which was in the usual English form—and also at the date of the suit.

The principles on which the Court of Chancery acts in suits affecting land out of the jurisdiction are laid down by Mr. Westlake, in his book on Private International Law (pp. 57, 58), as follows:—"When such a special equity can be shown as would form a ground for compelling a party to convey or release English land, or any right therein, or for restraining him from asserting a title to such land or right, then the English Chancery, if,

according to its own rules, it have jurisdiction over his person, will similarly compel or restrain him as to land situate out of England, although a similar equity may not exist by the *lex situs*, provided only it be not absolutely excluded thereby. Such an exercise of authority is, in fact, supplemental to the *lex situs*, and is grounded on the supposition that every law intends the rights which it confers to be used conscientiously, of which, since the conscience is personal, the measure must be supplied, so long as the *lex situs* is silent, by that court which has personal jurisdiction; while if the *lex situs* excludes the equity, then the right to hold the land free from it becomes one of the incidents of property, which are decided for immovables by the law of their situation." "The claim to affect foreign lands through the person of the party must be strictly limited to those cases in which the relief decreed can be entirely obtained through the party's personal obedience."

To the rules thus enunciated it is necessary to add that in *Norris v. Chambers* (9 W. R. 259, 29 Beav. 246; 9 W. R. 794, 3 D. F. & J. 583), decided after the publication of Mr. Westlake's treatise, both Lord Romilly, M.R., and Lord Chancellor Campbell seem to have considered that in order to entitle a plaintiff to a decree intended to affect foreign lands, he must show that there is some contract or privity between himself and the defendant—that is to say, that the court will not enforce as against third parties entitled to lands abroad, an equity which, if the lands were in this country, would have been allowed effect as against them. In the case before the court, a purchaser had paid part of the purchase-money to the vendor. The purchase was not completed; the vendor kept the money which had been paid to him, and sold to the defendants with notice of the former transaction. The Lord Chancellor held that the plaintiffs, who claimed under the first purchaser, would have been entitled to succeed in their claim for a declaration of a lien or charge on the land to the extent of the money paid by the first purchaser, if they could have shown that their claim was founded on any contract or privity between the first purchaser and the defendants; but as the latter were strangers he held that any notice they may have had could not give the court jurisdiction to declare the proposed lien or charge on lands in a foreign country. This case, if it is to be considered as a final authority on the subject, introduces a very important qualification on the rules as laid down by Mr. Westlake. There was no proof in that case that the laws of the foreign country (Prussia) excluded the equity arising from notice; and it can hardly be supposed that the Court of Chancery acted on the supposition that it was impossible that the courts of Prussia could have the same rules with respect to notice as appeared to itself to be just and reasonable. The object of the Court of Equity being to compel men under its jurisdiction to be just in their dealings with each other, it can hardly be material whether they have themselves chalked out what each is to do, or whether the doctrines of equity dictate what it is right that each should do. The case of *Norris v. Chambers* introduces this distinction; but it is doubtful whether the same view would now be taken in a similar case.

COMMON LAW.

ASSIGNMENT OF FUTURE DEBT.

Percy v. Clements, C.P., 22 W. R. 803.

A. being under contract to supply wine to a customer got B. to let him have the wine on the terms that, in consideration of the wine, and of a further sum of money to be paid by B. to him, he should draw on his customer, and get accepted by him, a bill for the price to be paid him by the customer, which bill he should indorse to B.; and this arrangement at least, so far as related to the acceptance of the bill, was come to with the assent and acquiescence of the customer. In substance, B. purchased the debt which was about to accrue due from

the customer to A. B. was the plaintiff on this interpleader issue, in which the defendant was a creditor of A., who, after the wine had been supplied by him to the customer, had attached the debt accruing due from the customer in respect of it, the customer having refused to fulfil his promise of accepting the bill drawn on him. The defendant's contention was that the debt which was at a future to time to arise between A. and his customer was not capable of assignment; but on the motion for a new trial on this ground, no authority or reasons seem to have been produced to show that this was so; and as we do not know of anything showing that in such a case any *novus actus interveniens* would be necessary to make the plaintiff the equitable owner of the debt, we can only refer to the case as deciding, first, that a specific debt not yet created, but which is about to be created in pursuance of an existing contract, is capable of being equitably assigned; and secondly, that such a transaction as is above described will be treated as amounting to an assignment.

NOTES.

Messrs. W. Forster & Son write as follows to a daily contemporary of Tuesday last:—"The following judicial proceeding is a fair illustration of what is every day occurring at a certain court in the City. Requiring upon our business premises some cases of drawers, we gave orders to three several carpenters for precisely similar articles, which were duly prepared and delivered. The workmanship and material were equally good in each case, but while the charges of two of the tradesmen were £5 2s. and £5 10s. respectively, the third sent in an account for the exorbitant sum of £13 2s. 6d. Regarding the latter as an imposition, we refused payment, and were consequently summoned before the above-named tribunal, to which we repaired on the appointed day, duly attended by our solicitor and witnesses, prepared to prove that £5 or thereabouts was a fair charge for the work in question. After standing (for there are no seats) for two hours, in a place little better than a cattle pen, we were put into the witness-box, and were about to explain our case, when we were stopped by the judge, who, turning to the plaintiff, handed him a written address, saying, "Go to that man, pay him 10s., tell him to value the work, and come again on Tuesday." Neither of our witnesses had been allowed to speak. On Tuesday morning we again presented ourselves at the court, and after once more waiting two hours, the case came on and lasted about three minutes. The plaintiff's solicitor, having handed in a paper, the judge read, "Mr. — (we could not catch the name) considers the charge for the joiners' work in question fair and reasonable." He then carelessly remarked, "Quite sufficient" and, turning to us said, "You must pay." Our solicitor urged that this paper was not evidence, and begged that the valuer might be examined in court, or that at least our witnesses might be heard, but all to no purpose. He was simply pooh-poohed, and upon our again calling the attention of the judge to the injustice of the charge, he remarked, "We can't help that, you must pay, and next time employ the man who charged £5." Such a parody on justice in this the capital of the world, and among a people priding themselves above all upon their equitable laws, is almost beyond belief; nevertheless every word of our statement is strictly true, and we understand there is absolutely no appeal against the decision of this court."

We give publicity to this letter, because it calls attention to circumstances which, it is much to be feared, are, as the writers observe, simply "a fair illustration of what is every day occurring at a certain court in the city." Conduct such as that attributed to the judge in question cannot be too severely censured. It is not only injurious to the suitor, but is calculated to bring contempt upon the administration of the law.

A case recently before the St. Ives magistrates shows the importance of solicitors, particularly in their dealings with trust matters, adhering strictly to a regular course of business, and how easily any deviation from it may involve not only themselves but their clients in serious difficulty. The prisoner was a co-trustee of a sum of £68 in cash and deeds to the value of £600, secured upon a farm at Sutton. The

interest of this money was payable to an old lady for her life and after her death it passed to several persons, both the prosecutor and prisoner being entitled to a share. In 1859 prisoner sold his entire beneficial interest. Of course he still continued trustee, and, said the counsel for the prosecution, "for more than two years he had been trying his utmost to force the solicitor concerned, and with whom the deeds were deposited, to give him their possession. That gentleman, however, thought the wiser course would be to have the money deposited with the deeds in a bank, and this was done on the 1st of January in the present year. In the early part of last month the deposit note for the sum of £68 was sent through the Sheffield and Rotherham Bank, with a receipt endorsed upon it, and a request for the payment of the money, purporting to be signed by the prisoner and his co-trustee, and it was now certain that the prisoner uttered that document and received the money for it at Sheffield. The signature of the co-trustee was now known to be a forgery. The prisoner presented himself at the St. Ives Bank on the 29th September, and producing a letter, purporting to be signed by his co-trustee, asked for the delivery of the mortgage deeds. The manager, however, first consulted the solicitor who originally deposited them; and the result was that a draft of a regular authority was handed to prisoner, in order that his co-trustee's signature should be duly attested, and he took it away for that purpose. Next day he returned with the authority, bearing a signature purporting to be that of the co-trustee duly attested by another person, and the deeds were thereupon handed to him. It was soon discovered that the signature of the co-trustee was a forgery, and that the person whose name appeared as attesting witness had been induced to sign his name to the authority on the representation by the prisoner that it was a mere form."

The temptation, especially if the trustee is on terms of intimacy with his solicitor, to dispense, even from the best of motives, with some form, is no doubt great, but solicitors should always remember that such are the infirmities of human nature, and such the temptations to which circumstances give rise, that even in dealing with one's own relations, there is no safety in departing from any of those requirements which experience has shown, and is constantly proving to be necessary.

Matters of ethics and morals, says the *Albany Law Journal*, usually have a certain weight of their own, but it is always well enough to have them backed up by a precedent; so for the improvement and information of our readers we quote the following, which is a headnote to *Clay v. Hoysradt* (8 Kas. 74):—"Fides servanda est." To attain the highest success in the profession of the law, good faith is of equal value with legal cunning. It is never to the credit of an attorney that he has taken an unfair advantage of the lesser knowledge of his client."

GENERAL CORRESPONDENCE.

COUNTY COMMITTEES UNDER LICENSING ACTS.

[To the Editor of the *Solicitors' Journal*.]

Sir,—I have to express the thanks of myself, and of the solicitors of Kent acting with me, for your aid in giving insertion to our claim to be heard before the County Licensing Committee, and of the grounds upon which such claim was made. The public will no doubt learn from your columns the result arrived at yesterday (27th October), namely, that the justices by a very large majority reversed their order of last year excluding solicitors; so that henceforth the public will in these licensing matters have their choice of selecting their advocate as they think fit.

The solicitors' memorial having been read, the justices (a very full assembly) intimated that they did not need to hear more than appeared on the memorial itself; and it is to be inferred, I think, that the mere statement in the memorial of the injustice of the rule of 1873, was sufficient to satisfy them that it ought to be at once rescinded. Probably also the justices may have felt that it was all the more graceful on their part to do so, of their own accord, directly it came to their knowledge that in making the rule of 1873 they had been led to a wholly untenable position.

We never doubted the desire of the magistrates to do justice, nor their will to act independently, and our confidence has not been misplaced.

The rule now made is all that is fairly needed; though I could, I believe, have satisfied the magistrates that, to say the least, it is extremely doubtful (and this is the opinion of many men at the bar, as well as my own view) whether there is in fact any jurisdiction to make any rule at all, on the subject of audience. I am aware the clerk of the peace entertains a different opinion, but he will, I know, forgive me if I do not accept his view of the subject as conclusive.

In our memorial, and the accompanying letter, the solicitors stated that in their exclusion in favour of the bar, the public were prejudiced, and I was particularly requested to state to the justices how this statement was founded; and this I should have done if they had found it necessary to hear us. As it is, I feel it to be right to state shortly that we meant this: (1.) That barristers assume the right (which is in practice constantly exercised) of taking a brief (and a fee with it), and then either never attending to the matter at all, or else handing the brief over to some other barrister, whom the client never saw or heard of, and whose assistance he finds to be a grievous incumbrance. This is no ideal expression of mine, nor any exaggeration; it is an absolute fact of daily occurrence, though the public individually only know it when they find they have to suffer the consequences. (2.) Although a barrister may accept a fee, and although he may wholly neglect the duty involved in accepting it, in the way I have stated, he is not liable to refund the money paid to him, nor to be amerced in damages for neglect of duty! He cannot, it is true, recover his fees if not paid; but this is no disadvantage to him, because, as a rule, his fee is prepaid.

Many other like anomalies and anachronisms, which the bar love to call their "privileges," exist; and so powerful is the force of mere custom—so great the *vis inertiae* affecting all mankind, that these most extraordinary regulations are in full operation almost without notice by the public whom they most concern! No other trades unionism in England ventures upon such practices and presumptions.

We have no ill will towards the bar—very far from it. Our simple wonder is that, in their own interest, they do not see and feel how desirable it is that they should, of their own mere motion and sense of right and reason, remove or amend these strange practices. The giant—public opinion—may some day awake after his long lethargy, and then the wail "Too late!" may be heard; and much that is sound and sacred, much that has contributed and still contributes to the life and liberty of the British constitution, may be swept away with the decayed usages which, like a huge parasite, canker and destroy "the good fruit of a good tree."

C. R. GIBSON.

Dartford, Oct. 28.

THE VENDORS AND PURCHASERS ACT, 1874.

[To the Editor of the *Solicitors' Journal*.]

Sir,—Permit me through your columns to call attention to the 4th and 5th sections of the Act of last session for simplifying the title to land.

The 4th section enacts that the personal representative of a mortgagee of a freehold estate or of a copyhold estate to which the mortgagee has been admitted, may, on payment of the mortgage money, surrender the mortgage estate. Upon this section the following questions arise:—

Suppose a mortgagee of freeholds, or an admitted mortgagee of copyholds, by his will appoints two or more executors, making no disposition of the mortgage estate, must all join in the conveyance or surrender? One may receive and give a discharge for the money, but can he alone convey the estate?

The Act makes no provision for the payment of fines, fees, or stamp duty. In the case of a mortgage of copyholds will any fine, fees, or stamp duty be payable on the death of an admitted mortgagee by his legal personal representative?

If there will, what fine, &c., will be payable when the mortgagee appoints two or more executors, all of whom act? And when the personal representative dies before payment of the mortgage money, will fresh fines, and fees, and duty be payable by each succeeding representative?

If no fine, fees, or stamp duty be payable, the lord, steward and revenue will lose the fines, fees, and duty to which, but for the Act, they would be entitled on the admittance, or surrender without admittance, of the heir, or the admittance of the devisee.

But it may be contended (and it would seem to be the better construction) that the Act only gives a power—that it does not prevent the devolution of the estate, but merely puts the personal representative in the same position as the donee of a power given by will, and that the fines, fees, and duty which would be payable in that case, will still be payable if the personal representative does not exercise his power before the lord can require an admittance.

Again, does the Act deprive a mortgagee of freeholds, or an admitted mortgagee of copyholds, of the power of devising the legal estate? The language of the section is, "may convey or surrender." Suppose a mortgagee, by his will, gives the money and estate to A. absolutely, and appoints B. executor. The money being wanted for payment of the testator's debts, can B. convey? Or the money not being wanted, and B. assenting to the legacy, will the legal estate be absolutely vested in A.? Or must B. join in the reconveyance when the money is paid? Probably it would be held that assenting to the legacy released or extinguished the statutory power; but it would be better to prevent the question from arising.

The 5th section enacts that where a bare trustee dies seized of any corporeal or incorporeal hereditaments for an "estate in fee-simple," such hereditaments shall vest like a chattel real in the personal representative from time to time of such trustee.

Here something more than a power is given to the personal representative; the estate is to rest in him. Does the Act take away the power of devising the trust estate? If the trustee devises all his trust estates to A., and appoints B. executor, will the estate vest in A. or in B.? In the case of an intestacy the legal estate will, it is presumed, vest in the heir until a personal representative is constituted. If the heir conveys, and afterwards administration is taken out, will the estate vest in the administrator and invalidate the conveyance by the heir? Will it be necessary to take out administration, although wanted for no other purpose?

Does the section extend to copyhold estates? The only words to exclude them are "an estate in fee-simple." Customary freeholds are included. What if any relief, &c., will be payable by the personal representative, and his successor if he dies before conveyance? And if copyholds are intended, what about fines, fees, and duties?

If you will kindly allow these questions to be ventilated in the *Journal*, and it is found that no satisfactory answer can be given, probably a remedy will be provided before any serious mischief is done.

S. S. W.

Lincoln's Inn, Oct. 29.

[See an article in another column.—Ed. S. J.]

A QUESTION FOR THE BENCHERS.

[To the Editor of the *Solicitors' Journal*.]

Sir,—I take the following advertisement from a daily paper:—

WANTED, a BARRISTER, who will undertake the advocacy of certain matters upon terms to be agreed upon, a large sum of money being at stake. Letters prepaid.

The above is unique. I hope, for the sake of the profession, that no barrister will be induced to take business on such terms.

EDWARD PRESTON.

Proprietor of Robert Chambers's Index to Next of Kin, &c., &c.

ARTICLED CLERKS AT POLICE COURTS.

[To the Editor of the *Solicitors' Journal*.]

Sir,—With your permission, I wish to state that I quite agree with the suggestion made in your impression last week, that the question whether articled clerks may appear professionally at the police-courts should be taken in hand by the Council of the Incorporated Law Society. It is one of those questions which I conceive it to be not only the business but the duty of the Council to consider and determine. I hope the opportunity which now offers will not pass without the attention of the Council being drawn to the subject.

Now that the Metropolitan and Provincial Law Association has ceased to exist, it is, I submit, more than ever necessary that the Council should be keenly alive to the interests of the profession, even in small matters of this kind. I do not know whether it is the rule of the Council

to wait until their opinion is sought, or to take the initiative themselves, but be this as it may, there seems no reason why they should not at once communicate their views to the Metropolitan Police Magistrates, without waiting to be consulted by them.

A SOLICITOR.

COURTS.

THE RAILWAY COMMISSION.

Oct. 6, 7, 13.—*The Nitshill and Lesmahagow Coal Company v. The Caledonian Railway Company.*

Coal Traffic—Undue preference and prejudice—Railway and Canal Traffic Act, 1854, s. 2—Regulation of Railways Act, 1873, s. 6.

A railway company carried coal to G. for shipment, from collieries situate on different branches of their line. On one branch the company charged different rates per ton per mile for the carriage of different descriptions of coal—a gas coal rate and a common coal rate. No such classification was made on the other branch.

Cannel coal (the only coal raised by the complainants) was the only coal charged at the gas coal rate, splint coal being classed as common coal.

The gas produced from splint coal is inferior in quality and quantity to that produced from an equal amount of cannel coal, but both are used in different proportions for mixing with common coal in the manufacture of gas, for the purpose of increasing its illuminating power.

Found, as a matter of fact, that splint coal and cannel coal had enough in common of gas-producing quality to be competitive, and to make them commercially and substantially of the same description for the purpose for which they were used; and therefore

Held, that the carriage of cannel coal and splint coal by the railway company at unequal rates per ton per mile was an undue prejudice to the complainants.

This was an application by the Nitshill and Lesmahagow Coal Company, under the 2nd section of the Railway and Canal Traffic Act, 1854, for an injunction to restrain the Caledonian Railway Company from charging the complainants more for the carriage of their coals to Granton than they charged other colliery owners, and thereby subjecting the complainants to undue prejudice.

Littler, Q.C., and Shires Will, for the complainants.

The Solicitor-General, and Pember, Q.C., for the defendants.

It appeared from the pleadings and evidence that the complainants were the owners of a colliery, situate at Lesmahagow, in the county of Lanark, called the "Southfield Colliery," within a short distance of which were two collieries, the Longlee and Auldton Collieries, belonging to Messrs. Thornton & Co. and Mr. Spencer respectively. Near Wilsontown in the same county, was a colliery belonging to the Haywood Coal Company. In the course of their business the complainants, Messrs. Thornton & Co., Mr. Spencer, and the Haywood Coal Company, send by the defendant company large quantities of coal from their respective collieries to Granton, on the Frith of Forth, for shipment. On the Lesmahagow branch of the defendant companies' line, on which all the said collieries except the Haywood Colliery (which was situated on the Wilsontown branch) were situated, the cannel coal, the only coal raised by the complainants, was charged at a gas coal rate, while the splint and common coal raised by the owners of the other collieries were carried at a lower or common coal rate.

Littler, Q.C., for the complainants, urged that as the section of the Caledonian Railway Companies Act which fixed the maximum rates which the company might charge for the carriage of goods and minerals, made no reference to different descriptions of coal, they were bound to charge the same rate for every description of coal, and, moreover, that if it were lawful in any case to make a distinction between different classes of coal, it could not be done in the case of a description of coal which, in fact, competed in the market, and was commercially the same for gas making. He called Mr. Horatio Brothers, one of the Gas Light and Coke Company's engineers, who gave evidence to the effect that his company had entered into a contract for the supply of a large quantity of splint coal, which would enable them to use in the manufacture of their gas a smaller quantity of the complainant's cannel coal, of

which they were large consumers; and Dr. William Wallace, gas examiner of the city of Glasgow, who gave evidence as to the illuminating power of gas made from splint coal, and the fact of its employment during the last few years in the manufacture of gas.

The *Solicitor-General*, for the railway company, argued that they were entitled to charge what rates they pleased for different kinds of coals, provided they did not exceed the maximum rates permitted by Parliament, and pointed out the inconvenience of binding the company to adhere to the sole classification of goods and minerals contained in the maximum rates clause of their Act, which would compel them to carry valuable articles requiring careful handling, and of which the company were to some extent the insurers, at the same rates which they charged for articles practically quite distinct and of greatly inferior value. He urged that the cannel coal of the complainants was, in a commercial sense, an article totally distinct from every other kind of coal carried by the defendants, and called Mr. Thomas Hawksley, engineer, in proof of his assertion. He also called the general goods manager of the defendant's company to show that the Lesmahagow branch was most expensive in its original cost and also in working, the existence of steep gradients against the load necessitating the employment of additional engines for a distance of fifteen miles.

Littler, Q.C., in reply.

The Court took time to consider, and on the 13th of Oct. delivered the following judgment:—

This is a complaint of undue preference in the conduct of a coal traffic by railway. The line of the Caledonian Company from Edinburgh to Glasgow through Carstairs has, at a distance of twenty-one miles from Edinburgh, a short branch called the Wilsontown branch, where there is a colliery belonging to the Haywood Coal Company, and further on, at a distance of thirty-six miles from Edinburgh, another and a longer branch, called the Lesmahagow branch, on which are situated the Longlee, the Auldton and the Southfield Collieries, whose respective owners are Messrs. Thornton & Co., Mr. Spencer, and the complainants in the case, the Nitshill and Lesmahagow Coal Company.

Coal from all these four collieries is sent to the port of Granton over the Caledonian line for shipment to London and elsewhere, and on the Lesmahagow branch the railway company have two rates for coal to that port, a gas coal rate and a common coal rate, but cannel coal is the only coal charged at the gas rate. The railway company have no similar classification on the Wilsontown branch; and from that branch to Granton they carry all coal, including cannel, at the same rate, a rate per mile rather over the Lesmahagow rate for common coal.

The only cannel coal at present sent to Granton from the Lesmahagow and Wilsontown branches is from the complainants' colliery at Southfield, and they complain that an undue preference is given to Messrs. Thornton, Mr. Spencer, and the Haywood Company, by the lower rate at which their coal is carried to Granton; and they say that their particular description of traffic, the traffic from their own colliery, is subjected to an undue disadvantage as a consequence; and there can be no doubt that if this can be shown to be the case in any respect, they are entitled to relief under the Railway Traffic Act.

It was put to us that the preference involved in the lower rate was undue because the Caledonian Company had not, so it was alleged, power under their special Act of 1866 (29 and 30 Victoria, chapter 342) to have more than one rate in force at a time for coal of every kind. As we remarked in the course of the hearing, if this were so, it would not be the Traffic Act of 1854 that would be transgressed, but the special Act, and we have no jurisdiction to enforce obedience on the part of railway companies to their special Acts. We may, however, say that the special Act of this company authorises the imposition of tolls not exceeding certain sums for "all coal" conveyed upon the line; but that it nowhere expressly requires the railway company to have the same toll for all the different kinds of coal.

On the other hand, giving every latitude of construction to the Act, it is at the most permissive, and it does not appear to us (as we understood the counsel for the railway company to argue) that it would be a sufficient answer to a complaint of preference under the Traffic Act, made

in respect of things of different kinds or differing as cannel may from other coal, to say that the articles compared are different, that a great difference in value is proof of the difference in kind, and that a railway company having power in point of law to carry different articles at different rates cannot be reached under the Traffic Act, and are under no obligation to justify or give reasons for the way in which they may choose to exercise their statutory power.

In the case before us, however, it is denied that the articles carried by the company at different rates are different, or so different as not to clash with each other in the market. The coal of the complainants is cannel, and, according to the evidence of Dr. Wallace, is used only for gas. The coal of the other collieries is common coal, with seams in it of splint coal, which is easily separated in the working. This splint is carried to Granton at the common coal rates; and the complainants say that splint coal yields such a quantity and quality of gas, as to affect the demand for cannel and that their fair interests are prejudiced by the inequality in the tolls for the two articles.

The evidence in the case, we observe, was all with reference to splint. Nothing was said to show that, as between common coal generally and cannel, any competition existed which could make their relative rates of carriage of importance. We consider, therefore, that as to common coal as a class no case has been made out against the railway company, to whom it is due to say that they seem to have fixed their rate for common coal with no other object than the better to compete at Granton with the North British Railway Company; and the question is now narrowed to this—whether splint and cannel have enough in common, in respect of their gas producing qualities and of the uses to which they are applied, to be competitive, and to make it a preference or prejudice under the Traffic Act if they are carried under similar conditions at unequal rates and whether an undue preference is created by the rates at which they are carried to Granton by the Caledonian Railway Company.

Splint is used for gas, but it is quite recently, one witness said within the last two years, that attention has been directed to its value for that purpose. According to Mr. Hawksley splint and cannel both make a rich gas, and differ only in the degree in which they yield it. Coal, he said, is cannel or splint, according as the equivalent in pounds of sperm of the gas per ton is above or below a specified quantity. Splint, another witness said, can be used like cannel to raise the illuminating power of gas made from common coal. The Gas Light and Coke Company in London find they can do with five per cent. less of cannel by using the splint from the Haywood Colliery, and they have made a contract with the Haywood Company to supply them with 60,000 tons of their splint. They pay 15s. 6d. a ton for splint, free on board at Granton, against 38s. for cannel, and such a difference in price must go far to equalise the value of the two articles as material for the manufacture of gas. It appears to us upon the whole that the two articles cannot but be regarded as competitive, and that there ought not to be any difference in the rates at which they are carried.

The present rates are these: The complainants are charged for their cannel a gas coal rate of 5s. 1½d. per ton for a run of fifty-seven miles to Granton, and the Longlee and Auldton Collieries for their splint a common coal rate of 3s. 10½d. for fifty-four miles. The rate to the Haywood Company for splint and all other coal from the Wilsontown branch to Granton, a distance of twenty-six miles, is 2s. a ton. These rates make a clear separation between the cannel of the complainants and splint coal, and as the quality of coal does not affect the cost of carriage to the railway company, we are of opinion that the two kinds of coal ought to receive the same treatment. It was contended for the railway company that there would be no inequality in having the rates on different scales as between the two lines, because of their difference in cost of construction and in cost of working, the Wilsontown line being of easy gradients, while on the Lesmahagow line assistant engines are employed by the company upon an incline for a distance of fifteen miles to enable them to carry full train loads. We think it will be right to guard against precluding the Railway Company, if it costs them more, all things considered, to carry over the one line than the other, from making a proportionate difference in their mileage

rates; and, therefore, although the rates above quoted show that at present for the carriage of common coal to Granton the rate per mile is less and not more from the Lesmahagow branch than from the Wilsontown branch, we shall, while enjoining the Caledonian Company not in future to charge the complainants for the carriage of their coal more than they charge for the carriage of splint, provide that due regard may be had to the circumstances, if any, which make a difference in the cost of carriage to the railway company, and a variation made to the extent which such circumstances may justify.

Upon Mr. Littler's asking whether there would be any order as to costs, the court said that there would not, as the railway company were justified in having the question decided.

COUNTY COURTS.

READING.

(Before H. J. STONOR, Esq., Judge.)

Oct. 23.—*Becke v. Great Western Railway Company.*

A railway company prefixed a notice to their time-tables, that they "do not undertake that the trains shall start or arrive at the time specified in the bills, nor will they be answerable for any loss, inconvenience, or injury which may arise from delays or detention, unless upon proof that such loss, inconvenience, injury, delay or detention arose in consequence of the wilful misconduct of the company's servants."

Held, that this notice does not restrict the common law liability of the company to convey passengers to their destinations in the reasonable times which they have specified in their time-bills.

The facts of this case are fully detailed in the judgment. The plaintiff appeared in person.

Wightman Wood appeared for the defendants.

HIS HONOUR.—This is an action tried by me at the July court, or previously to the vacation in August, upon which I reserved my judgment until the September court, and, at the request of the defendants' counsel, I further postponed it until the October court. The plaintiff, who is a solicitor, sued the defendants for 6s. 6d., the expense of a conveyance from Twyford to Henley, which the plaintiff incurred in consequence of the defendants' non-performance of a contract by them to convey him from Reading to Henley by a certain train. The facts to which the plaintiff deposed, or which were admitted, are as follows:—On Tuesday, the 5th of May, the plaintiff took a first-class return ticket from Reading to Henley by the train timed by the defendants' tables to arrive at Reading at 10.25, and to leave Reading at 10.30; to arrive at Twyford at 10.40, and to leave Twyford at 10.45, and arrive at Henley at 11 a.m. The train arrived at Reading punctually at 10.25, but did not leave Reading till 10.39, so that it was detained at Reading nine minutes beyond its proper time. On arriving at Twyford, the plaintiff found that the train to Henley had just left, and there was no other train for an hour. He took a fly and got to Henley in about half an hour. The delay at Reading was occasioned principally by the want of porters to put luggage into the train. The train was a very light one, the plaintiff being the only first-class passenger. The plaintiff had frequently witnessed delays at the Reading and other stations on the defendants' line occasioned by the same cause. The plaintiff admitted that he was cognisant of a notice which the defendants prefixed to their time-tables, and that he purchased his ticket subject to such notice and to a regulation identical with such notice contained in the several regulations of the company. Such notice and regulation are in the following terms:—"The published train-bills of this company are only intended to fix the time at which passengers may be certain to obtain their tickets for any journey from the various stations, it being understood that the trains shall not start from them before the appointed time, but the directors give notice that the company do not undertake that the trains shall start or arrive at the time specified in the bills, nor will they be accountable for any loss, inconvenience, or injury which may arise from delays or detention, unless upon proof that such loss, inconvenience, injury, delay, or detention arose in consequence of the wilful misconduct of the company's servants. The granting of through tickets to places off the company's lines is an arrangement made for the greater convenience of the public, but the company will not hold themselves responsible for any delay, deten-

tion, or other loss or injury whatsoever arising off their lines, or from the acts or defaults of other parties, nor for the correctness of the times over other lines or companies, nor for the arrival of this company's own trains in time for the nominally corresponding trains of any other company. Passengers booking at intermediate stations can only do so conditionally upon there being room in the train." The defendants declined to call any evidence, and contended, firstly, that the contract in question was not broken, inasmuch as it did not bind the defendants to convey the plaintiff to Henley at any given time, but only within a reasonable time, and that if the plaintiff had waited and proceeded by the next train they would have conveyed him there within a reasonable time; and, secondly, that if the contract was broken, the defendants were not liable, because, in order to render them liable, the plaintiff was bound by the above regulation to show that the delay arose from the wilful misconduct of the company's servants, and that he had failed to do so. On both sides it was intimated that the case was brought before me for the purpose of bringing it before the Court of Appeal, so as to settle the important question of the liabilities of railway companies as carriers of passengers for delays upon their lines, which has lately been so frequently raised in the county courts. It is now exactly a year since Mr. Forsyth brought his action against the present defendants—the Great Western Railway Company—in this court, in which he proved that a train in which he had travelled had been prevented from arriving at Reading at the time specified in the table by repeated and considerable delays, apparently without any reasonable cause, and I then held that the defendants were bound to show reasonable cause for such delays, which the defendants failed to do, and I, therefore, gave judgment in favour of the plaintiff, with liberty to the defendants to appeal; but unfortunately they neglected to comply with the rules of the court relating to appeals, and lost the opportunity which was then afforded to them. Since then similar actions have been brought in several of the County Courts, and I believe that all my learned brethren before whom such cases have come, with the exception of the learned Judge of the Bath County Court, Mr. Calliard (*Russell v. Great Western Railway Company*, 18 S.J. 508), have taken the same view which I did, and that in every case liberty of appeal has been given, but that no appeal has yet been brought. The present case is certainly not nearly so strong a case of delay and apparent neglect as Mr. Forsyth's, and there is also a distinction between the two cases, inasmuch as Mr. Forsyth's contract with the company was subject to a different notice and regulation from that which is now contained in the tables of the defendants, and, in point of fact, the notice and regulation were altered by the defendants immediately after the decision of Mr. Forsyth's case, with a view of further restricting their liability. Such alteration consisted in omitting the following words:—"Every attention will be paid to insure punctuality so far as practicable," which were prefixed to the notice, and the addition to the stipulation that they will not be responsible for delays or detentions of the following words:—"Unless upon proof that such delay or detention arose in consequence of the wilful misconduct of the company's servants." Reserving for the present the consideration of the validity and operation of the notice and regulation as altered, I will consider, firstly, the contention of the defendants that the contract between them and the plaintiff was merely to convey him to Henley in a reasonable time, and that the contract was not broken by the delay at Twyford, inasmuch as there was another train to Henley at the expiration of an hour which would have conveyed him there in a reasonable time. Now, I at once concede that the contract between the defendants and the plaintiff was to convey the latter to Henley in a reasonable time. Such was the liability of carriers of passengers at common law, and railway companies have only the same liabilities. This is expressly declared by the 89th section of the Railway Clauses Act, 1845 (which, I presume, is incorporated in the Great Western Railway Act; at all events as regards the Henley Branch Railway); but, independently of that clause, I do not think that railway companies would be further liable than other carriers of passengers at common law. What, then, is the liability of carriers of passengers at common law? Simply to use all reasonable means to convey passengers to their destinations in the reasonable times which they have expressly fixed on, which, if not so fixed, juries may determine. Before the introduc-

tion of railways there were frequently coach proprietors who agreed to perform their promises in so many hours, and, therefore, to use every reasonable means and diligence for that purpose, and if by reason of their neglect of such means or want of such diligence they failed to complete their contracts, there can be no doubt that actions must have lain against them. Of course, the condition of the roads which were not under their control, and many other circumstances, and especially sudden accidents, would have been valid defences to such actions, and therefore they were often very difficult to try. Moreover, the proprietors seldom if ever entered into these special contracts as to time excepting when there was great competition, and then they used their best endeavours, as did also their servants (who were often stimulated by a system of premiums or fines), to perform these contracts with the greatest exactitude. Actions for the breach of such contracts were consequently very rare, and I have not been able to find a report of any case of the kind. In most cases, however, the coach proprietors merely contracted to convey the passenger to a particular place without specifying any time, and were only bound to perform their contract within a reasonable time, which, as I have already said, was for a jury to determine, regard being had to all the circumstances of the case. Railway companies, on the other hand, have invariably fixed their own times of arrival, and thereby fixed what are reasonable times, and if they fail, from want of due diligence, to perform their contracts, I think that they are clearly liable in the same manner as coach proprietors under similar contracts. Having the absolute control of their lines, and their lines being less liable to be affected by the weather than the roads, they have in these respects much less difficulty in performing their express contracts than coach proprietors. On the other hand, they are open probably to more numerous and serious accidents as to their engines and carriages than the coach proprietors were as to their coaches and horses. But, however this may be, the effect of weather on the lines and accidents of many kinds will doubtless constitute valid defences to actions brought against them, as they did against actions brought against coach proprietors under similar circumstances. In the case of *Denton v. The Great Northern Railway Company* (4 W. R. 246) the Court of Queen's Bench decided that the publication of time-tables amounted to an express promise to run trains to the places and at the times stated, and Mr. Serjeant Wheeler, the learned judge of the Marylebone County Court, in his elaborate judgment in the case of *Turner v. The Great Western Railway*, last May, observes with regard to railway companies, "that the question of reasonable time is no longer left at large, but is in fact fixed by the companies themselves, subject of course to accidents which reasonable care could not provide against." In the present case it is quite clear that the absence of porters at the Reading Station, which reasonable care might (as far as appears) have prevented, occasioned the detention of the plaintiff at Twyford, and as he was able to procure a conveyance by which he got to Henley at least half an hour sooner than the railway company were prepared to convey him by the next train, I think that he was justified in hiring it, and that (subject to the next question) he is entitled to recover its cost against the defendants. The next question which remains for me to consider is, whether the notice and regulation contained in the defendants' tables deprive the plaintiff of his right to recover against the defendants. Now, this notice and regulation, as altered, came before the learned judge of the Marylebone County Court in the case I have already referred to, and he there commented upon it so fully and so ably that I cannot do better than quote his remarks. Referring to the notice and regulation which came before me in Mr. Forsyth's case, he observes:—

"The company's notice of August commenced with these words,—'Every attention will be paid to insure punctuality as far as practicable.' This really is all that the law requires. 'But,' continued the notice, 'the directors do not undertake that the trains shall arrive at the time specified in the time-table.' Here I may remark that, irrespective of any notification by the company, the law does not imply any such undertaking, its requisitions being simply that there shall be no failure of punctuality for want of reasonable care and diligence. The notice then adds, 'Nor will the directors be accountable for any loss, inconvenience, or injury which may arise from delay or detention,' and subject to their paying every reasonable attention they would not be accountable for the consequences of any delay or detention. Since August the notice has been

materially changed. The passage about paying every attention to insure punctuality is omitted, and the company expressly promise nothing, but the omission is immaterial, because what they do not promise the law implies against them. The next change is the addition to the stipulation that they will not be responsible for delay, of the words 'unless upon proof that it arose from the wilful misconduct of their servants.' Upon the faith of their present notice, the defendants contend in effect that they are unfettered as to times of starting and arrival, notwithstanding their time-tables, in the absence of proof of wilful misconduct on the part of their servants. To such a proposition it is somewhat difficult to listen with patience."

In 1870, in the case of *Buckmaster v. the Great Eastern Railway Company*, which was an action for damages sustained by the plaintiff by reason of the company not starting a train as advertised in their time-bills, and in which the plaintiff obtained a verdict, Baron Martin said that it was mere nonsense for companies to say, as in effect the company in that case had said,—'We will be guilty of any negligence we think fit, and we will not be responsible;' and with respect to the notice in this case the learned judge of the Marylebone County Court thus concludes,—'I am of opinion that it is *ultra vires* so far as it professes to attach to the right of travelling on their own line, the condition that the company will not be responsible for any shortcomings of their servants not amounting to wilful misconduct, whatever that term may mean.' In this view as to the invalidity of the stipulation in question I fully concur. It seems to me to be a monstrous proposition that the railway companies, who are bound by their Special Acts and the railway Clauses Consolidation Act, 1845, c. 86, to carry passengers at rates fixed within certain limits, should be able to affix to their contracts with the passengers a stipulation which, if valid, would deprive the passengers of their common law right to the performance with due diligence of the company's contract with them. There is one other remark I would wish to add—viz., that the restriction as to the company's liability for not corresponding with other trains contained in the notice and regulation in question only extends to cases where their trains fail to correspond with trains of other companies and not with other trains of their own, which is the present case. Having stated my opinion as to the liability of the company at common law and the invalidity of the above notice and regulation so far as it restricts such liability in the present case, it still remains for me to consider the last point raised by the defendants, viz.:—Whether, if the notice and regulation were valid, and the plaintiff was bound by it to show wilful misconduct on the part of the defendants' servants, he has shown it in the present case; in other words, whether the absence of the porters through their own fault, or by the orders of superior servants of the company, was, under all the circumstances of the present case, in point of law, 'wilful misconduct,' and I think, with some doubt, that it ought to be so held, and on this point I wish to refer once more to the judgment of the learned judge of the Marylebone County Court, in *Turner v. the Great Western Railway Company*, and the authorities therein cited as to the legal interpretation of the words 'wilful misconduct.' The only case, that I am aware of, that militates against my view is that of *Russell v. The Great Western Railway Company*, 18 S. J. 508, before the learned judge of the Bath County Court—to whom I have already referred—in which he held that the altered notice or regulation was valid and operative to restrict the defendants' liability to cases of proved wilful misconduct on the part of their servants, but from what I have said it will be seen that I cannot concur in his view. Upon the whole I am in favour of the plaintiff on all the points of law and fact involved in this case, and a verdict will therefore be entered for the plaintiff for the amount claimed with costs, and with liberty to the defendants to appeal within one month."

The lists of arrears of the common law courts for the ensuing term were exhibited on Saturday, on the termination of the Long Vacation. In the Queen's Bench there are 48 new trial rules for argument and two for judgment; in the special paper, one for judgment and 35 for argument, and two enlarged rules; making only 86. In the Common Pleas, there are 38 rules for new trials, 45 special cases and demurrers, five in the peremptory paper, and three cases standing for decision; making 91. In the Exchequer, there are 22 new trial rules to be argued and one for judgment, besides five cases for decision; in the peremptory paper five cases, and in the special paper three for judgment and 19 for argument; making 54.

LEGAL APPOINTMENTS, ETC.

Mr. EDWIN PLUMER PRICE, Q.C., has been appointed Judge of the County Courts in Circuit No. 32, embracing the county of Norfolk, in succession to Mr. W. H. Cooke, Q.C., who has been transferred to the Oxfordshire district. The new judge is the son of the late Thomas Price, Esq., of Clementhorpe, Yorkshire, and was born in March, 1818. He was educated at St. Peter's School, York, and afterwards proceeded to Lincoln College, Oxford, where he graduated as B.A. in 1838. Mr. Price was called to the bar at the Inner Temple in Hilary Term, 1841, and joined the Northern Circuit, attending also the York and Northallerton Sessions. He subsequently joined the Midland Circuit. He was created a Queen's Counsel in 1861, and became Recorder of York in September, 1866. He contested the borough of Sheffield at the general election in November, 1868, but was unsuccessful, Mr. Rosebuck, Q.C., being at the same time rejected.

Mr. THOMAS RATCLIFFE ELLIS, solicitor, of Wigan, of the firm of Leigh and Ellis, has been appointed clerk to the Wigan Borough Justices.

Mr. CHARLES DAVENPORT JONES, solicitor, of Hastings, has been elected vestry clerk of St. Clement's parish, Hastings, in the place of Mr. D. C. Medewe, deceased.

Mr. GEORGE JAMES ATKINSON, solicitor, of Liverpool, has been appointed Deputy Town Clerk of that borough, in succession to Mr. C. Moorhouse, who has become Town Clerk of Salford. Mr. Atkinson was admitted an attorney in Easter Term, 1861, and is also Deputy Borough Solicitor of Liverpool.

Mr. BARTHOLOMEW CHARLES GIDLEY, solicitor, of Exeter, was on Thursday week unanimously elected Town Clerk of Exeter, in the room of Mr. Denis Moore, deceased. Mr. Gidley was educated at King's School, Ottery St. Mary, at Westminster, and at St. John's College, Oxford. He was admitted an attorney in Easter Term, 1866, and has been a proctor of the Consistory Court of the Diocese since that year. He served the office of Mayor in 1870-71, and was elected Alderman on the same day that he resigned the Mayoralty.

SOCIETIES AND INSTITUTIONS.

SOLICITORS' BENEVOLENT ASSOCIATION.

The 33rd half-yearly general meeting of the Solicitors' Benevolent Association was held on Thursday morning, Oct. 22, in the Philosophical Hall at Leeds. The chair was occupied by Mr. F. T. VELEY, of Chelmsford. There was a large attendance. The SECRETARY (Mr. THOS. EIFFE) read the notice of meeting and the previous minutes; the thirty-third half-yearly report of the directors, of which the following is the principal portion, was taken as read:—

During the past half-year 117 new members were admitted to the association, making, with those elected during the previous half-year, a total accession of 181 new members within the year. The association has now an aggregate number of 2,373 members enrolled, of whom 828 are life members, and 1,545 annual. Twenty-nine life members are also annual subscribers. The receipts during the past half-year amount to £1,974 0s. 11d., which, added to those of the previous half-year, makes a total of £3,335 19s. 3d. for the whole year. Included in the receipts of the past half-year is a donation of £100 from the executors of Miss Mary Gray Ratray, of London, deceased. The directors have the pleasure also of reporting a donation of £25 (received since the account was closed) from Mr. James Anstey Wild, solicitor, of Ironmongerlane, London, a life member of the association. The anniversary festival of the association took place in June last under the presidency of Lord Selborne, supported by many members of both branches of the profession, the result being a net addition of £538 4s. 6d. to the funds of the association. During the past half-year the board of directors have paid in grants to one necessitous member, and to the necessitous families of ten deceased members, the sum of £550; and during the same period £410 in relieving the necessitous families of thirty-four deceased solicitors, who were not members of the association. These amounts, together with the grants made during the previous half-year, make a total expended within the past year in assisting one member and the necessitous families of

thirteen deceased members, of £720, and a total of £645 in relieving the families of fifty-six deceased solicitors who were not members; making in the whole £1,365 granted in relief during the year. Since their previous report the board have invested a further sum of £621 16s. 6d. in the purchase of India Four per Cents., increasing the total funded capital of the association to £29,406 10s. 11d. stock, consisting of £6,583 3s. 3d. Three per Cent. Consols., £7,303 17s. 3d. India Five per Cents., £10,800 India Four per Cents., £3,907 London and North-Western Railway Four per Cent. Perpetual Debenture Stock, £250 London and St. Katharine Docks Four per Cent. Debenture Stock, and £62 10s. Three per Cent. Reduced Annuities—producing together annual dividends amounting to £1,176. A balance of £213 11s. 1d. remained to the credit of the association with the Union Bank of London, on the 31st of August, and a sum of £15 was in the secretary's hands.

The CHAIRMAN, in moving the adoption of the report, said that there were 110 solicitors in Leeds, but he was sorry to say there were only 20 who were subscribers to this association, and he should like to see that number increased. He had been conversing lately with a solicitor there about the association, and he feared that there was a prejudice against the annual dinners, upon which it was thought too much was expended. Now, it was true they had a public dinner once a year, but every member attending it had to pay a guinea for the privilege of doing so; not even the directors being free. The annual dinners were a good advertisement, and financially were a success; the result of the last, as appeared in the report, being a net addition of £538 4s. 6d. to the funds, and the expenses being only £46 1s. 6d.; besides a considerable increase to the number of annual subscribers. There was another point of objection—the association was glad to receive cases for relief, but one had been sent up from Leeds within the last year or two, of a distressed solicitor there, to whom the association could not grant relief, because of his not being a member, the rules allowing a grant of relief only to members, or their widows and families, or to the widows and families of deceased non-members. At the last meeting of the board, however, a donation of £30 was granted to the widow of a Leeds solicitor who had been a member, which, he hoped, would show the members of the profession at Leeds the utility of becoming members. There was another instance he should like to bring under their notice as an example of the advantages to be derived from joining this association. It was that of the daughters of a gentleman of high standing in the profession, whom he had himself known, and who had held numerous offices, and was much respected. He died, leaving his daughters, rather advanced in years, between five and ten thousand pounds; their only brother, a member of this association, succeeded to the business, and soon managed to squander both his own and their money, leaving them, at his death, utterly destitute. This association, the moment the case was brought before it, granted to each of the ladies £50. The association felt extremely obliged to the Council of the Incorporated Law Society for allowing it to hold its meeting with theirs; and deeply indebted to Mr. Bircham, the president, who had kindly occupied a portion of his vacation in obtaining a very long list of new subscribers. He moved the adoption and circulation of the report and balance-sheet in the usual way. Mr. PAYNE (Liverpool) seconded the resolution. Some conversation took place as to the propriety of raising a sum of money for the education of the sons and daughters of those who had claims on the association; but the general opinion seemed to be in favour rather of increasing the general funds, so that larger grants might be given, and that the education of such children should be left to parents and guardians. The report was then adopted. The directors and auditors were thanked for their past services, and were re-elected for the ensuing year. Mr. BURTON (of London), moved a resolution, "that it is the opinion of this meeting that it is desirable that in any future anniversaries the invitations should be confined to solicitors;" it being an undignified course, he considered, for this association to issue invitations to members of the bar and other gentlemen, and to expect them to contribute on such an occasion to the funds; the barristers having established a similar society for themselves, to which they did not ask the solicitors to contribute. The resolution, after some conversation, was seconded and carried. Mr. BURTON said there was another matter upon which he should like to take the sense of the meeting—namely, as to the question of an amalgamation between this association and the other society of similar objects which

confined its operations to the metropolis. He thought there could be very little question that the expenses of the two societies, in going over some portion of the same ground, must be greater than if they were united; and although a proposition of the kind had fallen through on a former occasion, it would be well, he thought, if the directors of this association were requested to confer again with the Law Association in London upon the possibility of an amalgamation between the two societies, and he was prepared to move a resolution to that effect. After some discussion, it being considered desirable that Mr. Burton should first bring the matter before the board of directors, and then let it come before some future general meeting in an official shape, that gentleman undertook to do so. A vote of thanks to the chairman terminated the proceedings.

LEGAL DISCUSSION SOCIETY.

This society resumed its meetings after the Vacation on the 21st inst., upon which occasion Mr. G. H. Kinne, and Mr. Toombs, the secretary and treasurer, resigned, and Mr. Geo. F. Ely, and Mr. Edward Kinne were respectively elected in their room.

ARTICLED CLERKS' SOCIETY.

A meeting of this society was held on Wednesday evening, the subject of the evening's debate being—viz., "That sections 125 and 126 of the Bankruptcy Act, 1869, relating to liquidation and composition, should be repealed." The motion was carried by the casting vote of the chairman.

LAW STUDENTS' DEBATING SOCIETY.

The first meeting of the society after the Long Vacation was held at the Law Institution on Tuesday evening last, a large number of members being present. The question for discussion was No. 544 legal:—"Is a husband entitled to curtesy out of lands settled to the separate use of his wife?" which after a long debate was decided in the affirmative.

Several new members were proposed. The report of the dinner committee was read.

BIRMINGHAM LAW STUDENTS' SOCIETY.

At a meeting of this society, held on Tuesday evening last, Mr. Henry Parrish presiding, a discussion took place on the following question:—"Where a married woman allows her husband to receive the income of her separate estate, can she or her representatives recover any arrears from him or his estate?" After the chairman had summed up, the votes were taken and were found to be in favour of the negative—almost unanimously.

BRISTOL ARTICLED CLERKS' DEBATING SOCIETY.

A meeting of this society was held in the law library on Tuesday evening, October 20th, F. Gilmore Barnett, Esq., solicitor, in the chair, when the following subject was discussed—"Should the present power of the Judges to commit for contempt of court be curtailed?" Mr. Baylis took the affirmative, and Mr. Fonwick the negative side of the question. The voting was in favour of the negative.

The Chancery Cause List, for the ensuing term does not hold out much prospect of rapid progress in the Appeal Court, since the heavy appeals in *Corporation of Hastings v. Iwall and Parker v. McKenna* stand for hearing. At the Rolls the Epping Forest case blocks the way, and will, we suppose, occupy the court three days a week until it is completed. We understand that the Master of the Rolls will have 15 causes on further consideration in his paper on Tuesday, and that on Wednesday the speeches of counsel in the case above referred to will be commenced.

The Lord Chancellor will receive the Judges, Queen's Counsel, Benchers, and the Registrars of the Court of Chancery at his Lordship's residence, No. 5, Cromwell Houses, on Monday, the 2nd of November (first day of Michaelmas Term), at 12 o'clock. His Lordship will receive the Lord Mayor Elect at 11 30 a.m.

RIGHT OF SOLICITORS TO APPEAR BEFORE THE LICENSING COMMITTEES.

On Tuesday last the October General Session of the magistrates of Kent was held at the Court House, Maidstone, for the transaction of county business, Colonel Lennard in the chair.

The court first sat as a Court of Adjourned Quarter Sessions, to consider a memorial presented by the solicitors of Kent, praying for audience indiscriminately with barristers before the County Licensing Committees.

Mr. A. BEATTIE, at the commencement of the proceedings, made some remarks upon the general question, reminding the court that at the October Sessions of 1873 he suggested the propriety of allowing solicitors who had made applications before the Licensing Justices to renew such applications in person before the Licensing Committee. Since that time the question had received the attention of the leading solicitors of the county, and it seemed to him only right to ask the court to again consider what he suggested last year. It was not desired that solicitors should be admitted to the exclusion of barristers. At Quarter Sessions the assistance of barristers was most desirable, but in the case of public-house licences, where the points connected with the different applications had been carefully prepared and laid before the Licensing Justices—and every Licensing Justice, he believed, felt his responsibility as such—it did seem to him that those solicitors who had satisfied the Licensing Justices might reasonably be allowed audience before the Licensing Committees. He thought it was undesirable that any unnecessary expense should be levied upon an applicant in prosecuting an application for a licence by being compelled to employ other legal assistance than that of his solicitor; but if an applicant preferred the help of a learned barrister, by all means let him have it. As it was, barristers must, of necessity, be consulted if the applicant wished to have legal aid at all, and as barristers came to the subject anew, and had to be well informed by the solicitors who had previously studied the application, he thought he might fairly ask the court to consider whether the rule which they had passed excluding solicitors might not be so altered as to allow them in future to practise before the committees.

Mr. C. R. GINSON, of Dartford, who appeared on behalf of the solicitors, proposed to make some observations at this point, but the court decided that they would first hear the memorial which he presented.

The Clerk of the Peace then read the memorial from the solicitors of Kent, which we have already printed in full and commented upon. He then stated that he had received a letter from Mr. F. J. Smith, the leader of the Kent Sessions Bar, which ran as follows:—

"Dear Russell—I have been requested by the members of the Kent Sessions Bar, as their leader, to inform you that it has come to their knowledge that an application will probably be made to the justices in general sessions, on the 27th inst, to alter or vary their order of court, by which the practice before the licensing committees in each division of the county has been assimilated to that of the Quarter Sessions. As the point is one which bears upon the interests and position of the bar, and is, moreover, one in which an immediate decision is not necessary (since the committees are not likely to sit again before this time next year), the bar would respectfully suggest that if such application should be made, they should be allowed an opportunity of considering it, and of offering such observations as may occur to them upon it before the court arrives at any decision on the subject. Should this subject come under discussion, the Kent Sessions Bar will be obliged by your placing this communication before the court.

"Yours very truly,

"FREDERICK JAMES SMITH,

"Leader of the Kent Sessions Bar.

"To Francis Russell, Esq., Clerk of the Peace for Kent."

The CHAIRMAN said it was the wish of the magistrates to consider this question for a few moments by themselves, and all who were not members of the court thereupon left the room.

On their re-admission, the CHAIRMAN announced that by a large majority, the court had decided to alter the rules

made at the October Sessions of 1873, in such a manner as to admit solicitors before the licensing committees when appearing on behalf of their own clients, but not when appearing under the instructions of another solicitor.

The following memorial was then presented by Mr. Gibson:—"We, the undersigned solicitors of the county of Kent, respectfully submit to you the following suggestions, with reference to licences for music and dancing, and with reference to orders for populous places under the Licensing Act, 1874, with the view of seeking that they should henceforth become rules regulating the practice in these matters. We venture to think that some such provisions are greatly needed, and that inhabitants of the localities affected, and the public generally would thereby obtain only reasonable control and protection. As for licences for music and dancing, till recently the practice was for the applicant to apply (by counsel) to the Court of Quarter Sessions at Michaelmas upon a petition or memorial supported by signatures as to character, and setting out grounds for the grant of the licence. Some few years back, however, the justices (in Kent) made regulations, (1) that the licensee should be recommended by the justices of the division; and (2) that notice of the intended application should be sent to the Clerk of the Peace; and this is the present practice. It will be seen from this that the inhabitants of a locality interested have no means whatever of knowing of any such intended application, and a licence may be (and frequently has been) granted without the slightest knowledge of the persons living, or having property, in the locality, who may be, and frequently have been, grievously injured in comfort and property by the grant of such a licence. We therefore venture to suggest to you that for the future the justices should direct and order that notice of all intended applications for such a licence should be advertised in a local paper, and placed upon the church door for two consecutive weeks preceding the application, and notice given to the superintendent of police three weeks previously. As to orders for populous places under the Licensing Act, 1874, we suggest that for the like reasons as are above mentioned, any application for an order declaring any district a populous place under the 32nd section of the Act should be preceded by the like notices as are above suggested. Except in some such way, no one desiring to oppose any such application can do so, for lack of any notice of the intention to seek the order."

A short discussion followed the reading of the second memorial, and the suggestions which it contained were spoken of as being exceedingly opportune. The following resolutions were then unanimously passed:—

"The Committee shall not, without good reason proved to their satisfaction, hear any person on the merits of an application for an order to declare any district to be a populous place or part of a town, unless such person shall, three weeks at least before the hearing, have given notice to the Clerk of the Peace of his intention to make such application, and shall have deposited with the Clerk of the Peace, for the use of the Committee a copy of the Ordnance map, on a scale of 25 inches, showing the exact boundary of the proposed populous place or part of a town."

Also the following:—

"Every person who intends to apply for an order to declare a district to be a populous place or part of a town, shall, at least three weeks before the hearing, advertise his intended application in some newspaper in the district, and also give the like notice to the county superintendent of police for the division."

Mr. Kingsford, barrister, was present to watch the proceedings on behalf of the Kent Incorporated Law Society. A considerable body of solicitors attended the court.

THE NEW PRACTICE.

A lecture on the practice under the Judicature Act and proposed New Rules of Court was delivered at King's College, London, on Wednesday last, by Mr. John Cutler, the professor of law at that institution. In the course of the lecture, which was well attended, both branches of the profession being represented, Mr. Cutler said:—

"There is a principle in the Act and Rules which will not be carried into effect to anything like the extent which is intended in the Chancery division of the Supreme Court, and

that is the principle that *prima facie*, all evidence is to be *vidi voce*. The judges of this division will have a leaning towards affidavit evidence, because if the greater part of evidence is to be taken *vidi voce* they will not be able to get through one tenth part of the work that they had previously got through, unless their number is materially augmented. The members of the Chancery Bar will have a leaning towards affidavit evidence on account of their want of familiarity with the practice of examining and cross-examining witnesses in open court. Solicitors will be unwilling to lose affidavits, as being a not unremunerative part of their business. Thus all will tend to render agreements to dispense with oral evidence the rule and not the exception in the Chancery division. In about one-third of the cases which come before the Court of Chancery affidavit evidence is not objectionable. In the other two-thirds it is in my opinion extremely objectionable and unsatisfactory. The court has no opportunity of observing the demeanour of a witness, and in lieu of hearing him tell his story in his own words it hears a statement read which has been drawn up for the witness by, it may be, a solicitor, or it may be, a barrister, and which it often subsequently transpires that the witness did not fully understand, although he has sworn to its truth and accuracy. One thing I am extremely glad of, namely, that all cross-examinations of witnesses who have made affidavits will under the new practice take place before the court at the trial, and thus the miserable farce of cross-examination before examiners will be abolished."

LEGAL ITEMS.

It is stated that a clerkship in the Record and Writ Office, Court of Chancery, has become vacant by the death of Mr. H. W. Wright.

Mr. Richard Lewis Reece, solicitor, of Cardiff, has resigned the coronership of Glamorganshire, which office he had held since 1831, being the oldest coroner of the county.

At the Warwickshire Quarter Sessions on the 20th inst., Mr. Algernon Sydney Field, the newly-appointed clerk of the peace, took the usual oaths, and entered upon the performance of his official duties.

It is said that Mr. John Marshall, the newly-appointed Scotch judge, will assume the courtesy title of Lord Curriehill, being the same designation which was borne by his father, when a member of the Court of Session.

On Monday week, the first day of term, the election petition judges for the current year will be appointed. The names in rotation are those of Mr. Justice Lush, Mr. Justice Denman, and Mr. Baron Pigott.

The approaching assizes for the county Mayo will, it is announced, be one of the heaviest on record. Already there are ten bills for murderous assaults, four for wilful murder, one for manslaughter, one for infanticide, and several other serious offences.

At the Northamptonshire Quarter Sessions on the 21st inst., the Right Hon. George Ward Hunt, M.P., chairman of the court, stated that he should be unable to preside in either court on the following day, and added that he feared that it would be necessary for him, before long, to resign the chairmanship, owing to the pressure of his official duties.

Mr. George Russell, Judge of the East Kent County Court Circuit, remarked on Tuesday last at Sittingbourne on the inequality of the law with regard to attorneys' fees when the claim was under £5, a judge having no power to order the defendant to pay the plaintiff's attorney's fees. He was strongly of opinion that the question of attorneys' fees should be left to the discretion of the judge in all cases, and he hoped his observations would reach the proper quarter.

Some particulars with reference to the new Consular Courts in Egypt are given by a correspondent of the *Times*. There are to be two tribunals, one judging in the first instance, and the other on appeal. As the Tribunal of the First Instance will, owing to the large quantity of business, form two courts, each of the Powers is to appoint to it two members, while to the Tribunal of Appeal they are to

name one member and a Judge-Advocate, the other half of the court being in each case named by the Egyptian Government. The presidency of the court is to go by rotation. The competency of these tribunals is to extend to all claims between European subjects and natives in civil causes. As regards criminal jurisdiction, the courts are only to exercise it in the case of offences committed within the precincts of the court. As a guide to the court, a code has been drawn up by the Commission, based on the Code Napoleon but adapted to the local circumstances.

At the recent St. Pancras Petty Sessions, the churchwardens, overseers, and Mr. Gibb, the vestry clerk, duly presented the lists of special jurors, which, under the 14th section of 33 & 34 Vict. c. 77, the justices have to certify. In the previous year they struck off all the licensed victuallers, and this year they extended their supposed powers of revision by striking off upwards of 400 persons. The ground upon which this step was taken was that, in the opinion of the justices, the only persons qualified and liable to serve as special jurors on account of occupation under section 6 of the Act, are those who occupy private dwelling-houses rated or assessed at not less than £100. The justices, therefore, in every case of occupation where the qualification was not proved to be for a private dwelling-house rated or assessed at not less than £100; or unless it were shown that the private dwelling-house portion of the premises, used partly for business premises, was of the value of £100 for rating or assessment purposes, struck the parties off the special and placed them upon the common jury list. Mr. Gibb, the vestry clerk, protested against this ruling, and contended, in accordance with his reading of the section, that every man otherwise qualified whose name is on the jury list for St. Pancras, and who is the occupier of a private dwelling-house, or any other premises, except a farm, rated or assessed at not less than £100, is qualified and liable to serve as a special juror. On being appealed to, the magistrates declined to join in a case to the Court of Queen's Bench, but persisted in their decision. On the subject being laid before the vestry that body took the opinion of counsel, Mr. H. B. Poland, and the Solicitor-General. They state that they are clearly of opinion that the vestry clerk, acting on behalf of the churchwardens and overseers, was right in inserting as special jurors every person otherwise qualified who was rated or assessed at not less than £100 in respect of a private dwelling-house or other premises except a farm that the justices have authority to alter the description from special to common juries, under the provisions of the 14th Section of the Jurors Act of 1870, but not otherwise; that although the justices have erroneously altered the list, they think that neither the churchwardens, overseers, nor the persons whose descriptions have been altered from special to common jurors have any remedy against them. Assuming that they have acted erroneously in altering the list, neither do they think that the Court of Queen's Bench would compel them by writ of *mandamus* now to correct it. The matter thus remains in abeyance for another year, unless the local authorities take proceedings to compel the magistrates to retrace their steps, and issue the jury lists as originally presented to them.

BIRTHS, MARRIAGES AND DEATHS.

BIRTHS.

BRANLEY—On Oct. 27, at Clarendon-crescent, Sheffield, the wife of Herbert Branley, solicitor, of a son.
LYON—On Oct. 6, at Harrogate, the wife of Thomas P. Lyon, Esq., of Liverpool, solicitor, of a daughter.

MARRIAGES.

LADD—PRICE—On Oct. 21, at St. George's Church, Hanover-square, Thomas Henry Ladd, of Matlock Bath, Derbyshire, solicitor, to Annie Maria, youngest daughter of John Price, Esq., of Clermont-house, Leighton Buzzard.

DEATHS.

HUDSON—On Oct. 18, at 8, Stanhope-terrace, Hyde-park-gardens, John Alfred Hudson, of the Inner Temple, barrister-at-law.
MANNING—On Sept. 6, at Chester, Samuel Manning, Esq., barrister-at-law, of London.
READ—On Oct. 19, at Mildenhall, James Read, solicitor, aged 78.
WALKER—On Oct. 23, Henry Walker, of 86, Porchester-terrace, Bayswater, and 5, Southampton-street, Bloomsbury, aged 76.

COURT PAPERS.

COURT OF CHANCERY.

MICHAELMAS TERM, 1874.

Monday Nov 2. Appeal Motns.
Lincoln's Inn.
Tuesday Nov 3 } Appeals.
Wednesday .. 5 }
Thursday .. 6 } Bkt. apps. & apps
Friday 7 } Petns. in lunacy
Saturday .. 8 } & appl. petns.
Monday 9 } App motns & apps
Tuesday 10 } Apps from the
County Palatine
of Lancaster, app
from Stannaries
Court and apps
Wednesday .. 11 } Appeals
Thursday 12 }
Friday 13 } Bkt. app. & apps.
Saturday 14 } Pets in Lunacy &
app petns.
Monday 16 } App. mtns. & apps
Tuesday 17 }
Wednesday .. 18 } Appeals.
Thursday 19 } Bkt. apps & apps.
Friday 20 } Petns. in lunacy &
Saturday 21 } & app. petns.
Monday 23 } App. mtns. & apps.
Tuesday 24 }
Wednesday .. 25 } Appeals.

MASTER OF THE ROLLS.

Westminster.

Monday Nov 2. Motions.
Chancery Lane.
Tuesday Nov 3 }
Wednesday .. 4 } General paper.
Thursday 5 }
Friday 6 } Petns. sht. caus.
Saturday .. 7 } adj. summs. and
gen. pa.
Monday 9 } General paper.
Tuesday 10 }
Wednesday .. 11 } Mtns. & gen. pa.
Thursday 12 } General paper.
Friday 13 } Petns. sht. cau s.
Saturday 14 } adj. summs. &
gen. pa.
Monday 16 } General paper.
Tuesday 17 }
Wednesday .. 18 } Mtns. & gen. pa.
Thursday 19 } General paper.
Friday 20 } Petns. sht. caus.
Saturday .. 21 } adj. summs. & gen
pa.
Monday 23 } General paper.
Tuesday 24 }
Wednesday .. 25 } Mtns. & gen. pa.
N.B.—Unopposed petitions must be presented and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard, and the necessary papers left in Court with the Judge's Officer the day before the cause comes into the paper.

V. C. Sir RICHARD MALINS.

Westminster.

Monday Nov 2. Motns.
Lincoln's Inn.
Tuesday Nov 3 } General paper.
Wednesday .. 4 }
Thursday 5 } Petns. & gen. pa.
Friday 6 } sht. causes adj.
Saturday .. 7 } summs. & gen. pa.
Monday 9 } General paper.
Tuesday 10 }
Wednesday .. 11 } Motns. & gen. pa.
Thursday 12 } Petns. & gen. pa.
Friday 13 } sht. causes, adj
summs., & gen. pa.
Saturday 14 } County Ct. apps.
Monday 16 } & general pa.
Tuesday 17 } General paper.
Wednesday .. 18 }
Thursday 19 } Mtns. & gen. pa.
Friday 20 } Petns. & gen. pa.
Saturday .. 21 } sht. causes, adj
summs. & gen. pa.

Monday 23 } General paper.
Tuesday 24 }
Wednesday 25. Mtns. & gen. papr.
N.B.—Any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard, and the necessary papers left in Court with the Judge's Officer the day before the cause comes into the paper.

V. C. Sir JAMES BACON.

Westminster.

Monday Nov 2. Motns.
Lincoln's Inn.
Tuesday Nov 3 } General paper.
Wednesday .. 4 }
Thursday 5 } Petns. sht. caus.
Friday 6 }
Saturday 7 } In Bankruptcy.
Monday 9 } General paper.
Tuesday 10 }
Wednesday .. 11 } Mtns. adj. sum. &
Thursday 12 } General paper.
Friday 13 } Petns. sht. caus.
Saturday 14 } & gen. pa.
Monday 16 } In Bankruptcy.
Tuesday 17 } General paper.
Wednesday .. 18 } Mtns. adj. sum. &
Thursday 19 } gen. pa.
Friday 20 }
Saturday 21 } Petns. sht. caus.
Monday 23 } In Bankruptcy.
Tuesday 24 } Mtns. adj. sum. &
Wednesday .. 25 } gen. pa.

N.B.—Any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard, and the necessary papers left in Court with the Judge's Officer the day before the cause comes into the paper.

V. C. Sir CHARLES HALL.

Westminster.

Monday Nov 2. Motns.
Lincoln's Inn.
Tuesday Nov 3 } General paper.
Wednesday .. 4 }
Thursday 5 } Petns. & gen. pa.
Friday 6 } sht. causes &
Saturday .. 7 } gen. pa.
Monday 9 } General paper.
Tuesday 10 }
Wednesday .. 11 } Mtns. adj. sum. &
Thursday 12 } gen. pa.
Friday 13 } Petns. & gen. pa.
Saturday 14 } sht. caus. &
Monday 16 } General paper.
Tuesday 17 }
Wednesday .. 18 } Mtns. adj. sum. &
Thursday 19 } gen. pa.
Friday 20 } Petns. & gen. pa.
Saturday 21 } sht. causes &
Monday 23 } General Paper
Tuesday 24 } Mtns. adj. sum. &
Wednesday .. 25 } gen. pa.
N.B.—Any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard, and the necessary papers left in Court with the Judge's Officer the day before the cause comes into the paper.
No cause, motion for decree, or further consideration, except by order of the Court, may be marked to stand over if it shall be within twelve of the last cause or matter in the printed paper of the day for hearing.

CAUSE LIST.

Sittings, Michaelmas Term, 1874.

Before the COURT OF APPEAL IN CHANCERY.

(Full Court) In re Best's Settlement appl petition, pt hd
In re The Earl of Berkeley's Will original petition

Appeal Motions.

In re The Agriculturist Cattle Insurance Co. and Winding-up
Acts appl of official manager
In re The Poole Firebrick and Blue Clay Co. and Companies
Acts appl of liquidators
Hemery v Gidley appl of defendant W. H. Barlee

Appeals. 1873.

Viscount Valentia v Denton (restored by order) R—23 April
1874.

Robins v Rose B—18 April	Slark v Dakyns R—6 Aug
Mayor, &c., of Hastings v	Bright v Marcoartu M—7
Ivall M—1 July	Aug
Heath v Creaklock appl. of deft.	Simpson v Firebrace M—11
T. Pugh B—18 July	Aug
Heath v Creaklock appl. of deft.	Mutlow v L. M. Bigg H—22
James Beavan and ors B—	Sept
23 July	Parker v McKenna appl of
Heath v Creaklock appl. of deft.	deft Sir J. N. McKenna B
T. K. Stephens B—25 July	—23 Oct
Credland v Potter B—24 July	Parker v McKenna appl of
Dunne v English R—25 July	deft P. Vanderbyl B—23
Kempson v Ashbee B—29	Oct
July	Parker v McKenna appl of
Powell v Elliott and Elliott v	deft J. H. Lewis B—23 Oct
Powell B—3 Aug	Parker v McKenna appl of
Attorney-Gen v Francis H—	deft F. B. Henshaw B—23
4 Aug	Oct

Before the MASTER OF THE ROLLS

Causes.

Commissioners of Sewers	Bonner v Peacock sp c
(London) v Glascoe c, with	Elstob v Rahm m d
wits, pt hd (Nov. 4)	Corporation of Aberavon v
Chavasse v Stevens m d, pt hd	Thomas c, with wits
Lee v Clutton plea	Astley v Mansbridge m d
Bower v Foreign and Colonial	Hinchliff v Chapman m d
Gas Co. dem of W. H.	Aspen v Seddon m d
Lefevre	Musgrave v Horner m d
Bower v Foreign and Colonial	Bateman v Thomas m d
Gas Co. dem of H. Mar-	Chaplin v The Varna Ry. Co. m
shall	Pearce v Watts c
Heugh v Earl of Abergavenny	Minter v Page c, with wits
dem of W. Delves	Curling v Curling f c & sums
Coates v Legard dem of J. G.	to vary
Swan and another	Pattison v Mansbridge, 1873.
Glasbrook v Richardson dem	—P.—200, m d
of J. Richardson and others.	Heberden v Mansbridge m d
Jones v Church m d (restored)	Belfield v Mansbridge m d
by order	Fraser v Mansbridge m d
Scott v Laver m d	Lefevre v Minter m d
Payne v Wright c V C H	Mann v Mansbridge m d
Kinghorn v Williams c	Pattison v Mansbridge, 1873.
V C H	—P.—212, m d
Horrocks v Bernstein c, with	Cotton v Gillard c, with wits
wits V C H	Orton v Bramley m d
Palmer v Futvoye c V C H	Wright v Balcarra c
(not before Nov. 16)	Cotton v Atkins m d
Jarvis v Mortimer m d	Best v Arnold c
Mortimer v Jarvis c, with	Wills v Wills m d
wits	Kelly v Wilkinson m d
Roebuck v Chadwick c, with	The Industrial and General
wits	Life Assurance & Deposit
Toone v Sarson c, with wits	Co. v Rayner m d
(revived)	Keeves v Keeves m d
Macbraire v Mather m d	Hasluck v Podley sp c
cross-exam in court by	Johnson v Bailey f c & sums
order	to vary
Cooper v Lloyd c	Parsons v Porter m d
Platt v Carlton c, with wits	Dorrien v Magens m d
Clifford v Maberly c	Wright v Sanders m d
Latham v Mullington m d	Flower v Wagner m d
Slater v Slater sp c	De Castro v Boyes f c
Taylor v Taylor, 1873—T—99	Glass v Glass sp c
m d	Bailey v Emerson m d (not
Fowkes v Pascoe m d	before Nov. 10)
Seaborn v Firth m d	Tennant v Young c
Low v Turner m d	Haines v Haines f c
Morrice v Aylmer m d	Morgan v Tuck f c
Smith v Stewart m d	Todd v Moorhouse m d
Smith v Cremer m d	Baker v Story f c & sums to
Olliver v Olliver m d	vary
Rees v Ellicombe m d	Whitaker v Goodwin, 1871.—
France v Carver m d	W.—121 f c
Penny v Finch m d	

Whitaker v Goodwin, 1871.—
W.—122 f c & sums to
vary
Woodall v Welby sp c
Preston v Scott m d
Hunt v Archer m d
McDonald v Mackenzie f c
Chamberlaine v Mason c (set
down at request of deft.)
Diddep v Mallinder m d
Baynam v Heape f c
Rendle v Sant f c
Pinder v Sant f c

Walker v Knight-Bruce c
The Union Loan & Discount
Co. (limd.) v Moreton c
Ravenscroft v Waters c
Forster v Longrigg m d
Finney v Ogden m d
Ross v Jennings c
Thomson v Hallett f c
Povah v Walker f c
Lynham v Comben f c
Hoyle v Ainsworth f c
Turner v Phillipson m d

Before the Vice-Chancellor Sir RICHARD MALINS.

Causes.

Elton v Curels c	Macdougall v The Emma
Attorney-Gen v English m d	Silver Mining Co. (limd.)
pt hd	dem of the Co.
Spark v Love exons for scandal	Macdougall v The same Co.
Busk v Aldham dem	dem of R. M. Gardiner and
Mytton v Mytton dem of D. H.	Ors.
Mytton	Wilson v Thornbury m d (day
Broome v Lickerish exons for	to be fixed)
insuffcy	Taylor v East London Ry. Co.
Sharman v Public Works Con-	1872.—T.—111 m d restored
struction Co. (limd.) dem of	by order
the Co.	Taylor v East London Ry. Co.
Sharman v The same Co. dem	1872.—T.—141 m d restored
of Emile Elanger and Ors.	by order
Sharman v The same Co. dem	Street v Bonsor c, wits (day
of Geo. Wythes	to be fixed)
Sharman v The same Co. dem	Piczey v Wilkinson f c
of Julius Beer	Prince v Dear m d

Set down since commencement of Hilary Term (exclusive of Transfers).

Michael v Price m d	Litler v Whitehead f c and
Kirk v Kirk m d	2 sums to vary
Williams v Williams c, with	Harper v Waterhouse c
wits	Lewin v Rowland f c
West India and Panama Tele-	Noble v Noble f c and sums to
graph Co. v India Rubber &c.	vary
& Telegraph Co. c	Farrar v Green m d
Panama and South Pacific	Pattenson v Dettmar m d
Telegraph Co. v Same c,	Harnett v Baker m d
with wits	Harrison v Nottingham Manu-
Roach v Trood m d	facturing Co. (Limited) c,
Thomas v Jones m d	with wits
Brooks v Sidebottom m d	Thomson v Weston m d
Twiss v Carter m d	Eyre v Astorg sp c
Mullis v Strange c	Wellington v Taddy c
Taylor v Cole m d (sp exmnr	Gribble v Tucker m d and
appetd)	cause pro confesso
Stacey v Stacey m d	Benocke v Ball m d
Braham v Everitt c	Reuss v Barnaclough m d
Jacomb v Chart m d	wits before exmnr
Lightfoot v Bell m d	Philip v Butterell c, with
Anglo-German Mining, &c.,	wits
Co. v McClintock c, with	Power v Watts m d
wits	Gibson v Hardy m d
Cassel Colliery Co (Limited)	Wickham v Heath m d
v Anglo-German Mining, &c.,	Thorp v Brooks m d
Co c and dem with wits	Baden v Bassett m d
Russell v Kent m d	Wilson v Maxfield c, with wits
Barker v Litler c	

Set down since commencement of Trinity Term.

McKewan v Sanderson m d	Dobree v Sandeman f c
Osborn v Osborn m d	Burbridge v Raikes c
Evans v Evans m d	Churchill v Salisbury and
Gowan v Broughton f c and	Dorset Ry. Co. m d
sums to vary	Whitbread v Flight m d
Evans v Hopkins c	Whiting v Attenborough m d
Rosher v Williams m d	Ramsden v Lister c
Gray v Baker c	Baxter v Bower m d
Purcell v Cooper m d	Wier v Tucker c
King v Kitchener f c and	In re James Gosman, of Clinton,
sums to vary	Ontario, Canada petn of
Cotton v Weil m d	right
Beaumont v Emery m d	Homer v Hipkiss c, with wits
Martin v Gray m d	Titcombe v Thain c, set down
Edwards v Griffiths c, with	at request of defts F. J.
wits	Gill and anr
Turner v Moy m d	Umfreville v Johnson c
Sayers v Corrie m d	Opley v Mitchell c
Hodgkinson v Crowe m d	Clark v Dalrymple f c &
Rogers v Ange c	sums
Quinton v Mayor, &c., of	Poltick v Cheeseman m d
Bristol m d	Cowburn v Whiteley f c
Thomas v Jones c	Kent v Moore f c
Couldery v Bradford m d	Payne v Webb f c & sums to
Wallwork v Sussum m d	vary

Corn v Smith f c
 Stanhope v Crompton-Stansfield c
 Bearblock v Levy f c
 Sullivan v Beetham c
 Mudd v Rex f c and sums to vary
 Hughes v Rackham case on appeal from Greenwich County Court
 Marshall v Marden m d
 Guedalla v Guedalla m d
 Annesley v Hutton m d
 Firth v The Midland Ry. Co. m d
 Syers v Syers m d
 Gibbs v Elworthy m d
 Smith v Blakely f c
 In re Nicol Macnicol's Estate
 Macnicol v Macnicol f c & sums to vary
 Lyon v The Fishmongers' Co. m d
 Barham v Yates m d
 Wright v Revell f c
 In re Wm. Challis's Estate
 Challis v Wilshear f c
 Rose v Dormer m d
 Bailey v Bailey, Bart m d (short)
 Hughes v True m d
 Hudson v Cooper f c
 Harvey v Harvey sp c
 Spalding v Higgs c
 Page v Young f c

Before the Vice-Chancellor Sir JAMES BACON.
 Causes.

Yardley v Holland m d V C M
 pt hd
 Cudler v Randall demr
 Mansel v Evans m f d (restored by order)
 Middlemas v Wilson m f d (restored by order)
 Wilson v The Furness Ry. Co. m d with before exmnr
 Healey v Borough of Batley m d V C M (sp exmnr appd)
 Greg v Sagar c, with wtns V C W
 Farnell v Stevens m d V C W
 wtns befo exmnr
 Attorney-General v The Furness Ry. Co. m d wtns before exmnr
 Williams v Evans c, with wtns
 Bennett v Houldsworth c, with wtns
 Aydon v Reed m d
 Hyde v Black m d and sums wtns before exmnr
 Wier v Gisborne m d, wtns before exmnr V C M
 Collins v Slade c with wtns V C M
 Solomon v Minter c with wtns V C M
 Mellor v Moorehouse c, with wtns V C M
 Job v Pottin c, with wtns V C M
 Lomas v Smirthwaite m d
 Stanton v Baring c, with wtns
 Baring v Stanton m d
 Grierson v The Cheshire Lines Committee m d
 House v House m d
 Quokett v Score m d
 Larratt v Mills m d
 Mitchell v Condy m d
 Hyde v Largo m d
 Harding v Nicholson m d
 Allardice v Jacques m d
 Emanuel v Padwick c, with

Before the Vice-Chancellor Sir CHARLES HALL.
 Causes.

Walker v Walket c, with wtns pt hd (V C M)
 British Mutual Investment Co. (limd.) v Smart dem

Watkins v Powell c
 Knight v Lawless m d
 Sidebottom v Brooks m d
 Wildes v Dudlow f c & sums to vary
 John Hall v Ramsbottom f c
 Jolliffe v Hayward c
 Fowler v Lang c
 Andrew v Ensor m d
 Haydon v Fox c
 Hunter v Hawksworth f c
 Warren v Dibb m d (short)
 Diamond v Bostock f c
 Osborn v Osborn c
 Williams v Hiscox m d
 Walker v Blake m d
 Burrows v Williams m d
 Schofield v Jacob m d
 Corrie v Sayers c
 Hirst v Hirst f c
 Churchward v Peak f c
 Fielden v Gill m d
 Wharton v Wharton (2 suits) f c
 Smith v Pilgrim c
 Quickfall v Wilson f c
 Webster v Whitehead case on appeal from Huddersfield County Court
 Griffiths v Kennedy m d
 Garratt v Cadell f c
 Dowell v Wood m d
 Butler v Prockter f c
 Meadows v Morten m d

Twitchev v Ellis m d
 Leadley v Sykes c
 Mackinlay v Gladstone c
 Yettis v Yettis m d
 Jonassohn v Shaw m d wtns before exmnr
 Underwood v Underwood m d
 Rhys v The Dare Valley Ry. Co. m d
 Heartley v Nicholson c, with wtns
 Salmon v Carpenter m d
 King of Italy v Rouillier m d
 Sinnett v Herbert f c
 Smith v Daniell c (not before 16 Nov.)
 Wilson v Mersey Steel and Iron Co. m d
 Jervis v Godden c
 Kay v Pierce m d
 Pateshall v Price m d
 Walker v Daniell c (not before 16 Nov.)
 Dinsdale v Dunning c
 Harvey v Standley f c
 Thompson v Fisher f c
 Chapple v Parr f c
 Glaizer v Foyster f c
 Wootton v King m d
 Wilson v Pennefather f c
 Waldy v Gray c
 Burkinshaw v Gresswell m d
 Thursby v Thursby m d (not before Nov. 16)
 Taylor v Langley f c
 Hopgood v Gabell f c
 Dick v Montague f c
 Chugg v Chugg f c
 Lacon, Bart. v The Provincial Banking Corporation (limd.) f c and sums for further account
 Sladen v Oliver f c
 Burchell v Burchell f c
 Pickford v Alston f c
 Mostyn v Emanuel f c
 Leech v Bolland c

Crompton v Lea dem
 Davis v The London and San Francisco Bank (limd.) dem
 Rowland v Bingley f c
 Richardson v Hodgetts m d
 Camps v Marshall m d, wtns before exmnr
 Boynton v Boynton m d wtns before exmnr
 Koe v Cooper m d (V C M)
 Beamish v Moredon m d, restored by order
 Stubbs v Jennings m d V C M
 Gray v Lucas m d wtns before exmnr V C M
 Gisborne v Gisborne m d, restored by order V C M
 Christie v Christie m d V C M
 Hall v Hirst m d
 Smith v Great Northern Ry. Co. sp c
 Norris v Norris m d
 Still v Hall c
 H. White v White m d
 Hales v Miles m d
 Marshall v Shrewsbury m d
 Green v Eldred m d
 Manners v Bridges m d
 Ansbacher v Wustlich m d
 Macfarlan v Rolt c, with wtns
 Burne v Paterson m d
 Donisthorpe v Donisthorpe c
 Aston v Aston m d
 Ashlin v Lee c, with wtns
 Hall v Hall m d
 Milward v Postlethwaite m d
 Worsley v Worsley c, with wtns
 Wood v Wood c 1873.W.—47
 Bell v MacLaine c, with wtns
 Loft v Leigh m d
 Hope v New Russia Co. (limd.) c set down at request of deft J. Hughes
 Lanning v Stokes m d (short) pt hd
 Rush v Curteis sp c
 Baker v Snee m d
 Hore v Jones m d
 Republic of Peru v Ruza m d
 Edenborough v Saunders sp c
 Dodd v Easton m d
 Williamson v Taylor m d
 Healy v Healy m d

Senior v Pickering c
 Butler v Toplis f c
 Lyle v Elwood f c
 Glentworth v Monteagle f c
 Parkinson v Bennett e, in forma pauperis
 King v King m d
 Cragg v Cragg m d
 Gare v Dobin m d
 Alston v Gordon f c
 Litton v Litton f c
 Henry Wood v Wood e, V C M, with wtns
 Porter v Bond f c (short)
 Timins v Timins m d
 Frewen v Frewen sp c
 Baldock v Baldock c
 Allan v Berridge m d
 Heycock v Heycock c
 Burton v Hargreaves f c
 Pheysey v Pheysey f c
 Walters v Symonds m d
 Bourne v Die rden m d
 Hargreaves v Andrew m d
 Cox v The Bristol Port and Channel Dock Co. c
 Adams v Angell c
 Williams v Davies f c
 Constable v Byrne m d
 Jackson v Peace f c
 Bird v Freeman m d
 Clements v Wilkinson m d
 Wise v Wise f c
 Kirkley v Crossby c
 Sedgwick v Webster m d
 Hinde v The Ystalyfera Iron Co m d
 Gurney v Daughish c
 Macrae v Evans c
 Golding v Wright f c
 Burkill v Matthews m d
 Mayor, &c of Oxford v Muir m d
 Hamer v Sharp c
 Stanford v Fane m d
 Loe v Loe m d
 Blakiston v Tebbis f c
 Collins v Hector m d
 Hutchins v Wood m d
 Pye v Dry f c
 Longshaw v The Warrington Wire Iron Co l c
 Batstone v Salter m d
 Wood v Saunders m d
 Morgan v Alford f c

PUBLIC COMPANIES.

RAILWAY STOCK.

Railways.	Paid.	Closing Price
Stock Bristol and Exeter	100	111
Stock Caledonian	100	93½
Stock Glasgow and South-Western	100	98
Stock Great Eastern Ordinary Stock	100	41
Stock Great Northern	100	139½
Stock Do., A Stock*	100	154½
Stock Great Southern and Western of Ireland	100	107
Stock Great Western—Original	100	114
Stock Lancashire and Yorkshire	100	143½
Stock London, Brighton, and South Coast	100	90½
Stock London, Chatham, and Dover	100	32½
Stock London and North-Western	100	150
Stock London and South-Western	100	114½
Stock Manchester, Sheffield, and Lincoln	100	72½
Stock Metropolitan	100	68½
Stock Do., District	100	31½
Stock Midland	100	134
Stock North British	100	65½
Stock North Eastern	100	167½
Stock North London	100	110
Stock North Staffordshire	100	58
Stock South Devon	100	57
Stock South-Eastern	100	112

* A receives no dividend until 6 per cent. has been paid to B.

MONEY MARKET AND CITY INTELLIGENCE.

The Bank rate was not changed on Thursday. The proportion of reserve to liabilities has risen from 36½ to 38½. The home railway market has throughout the week been considerably firmer, but there was some flatness in the foreign market at the commencement of the week, but

since Tuesday prices have been firm. Consols closed on Thursday for money and account 92½ to 3.

LONDON GAZETTES.

Professional Partnerships Dissolved.

FRIDAY, Oct. 23, 1874.

Wainwright, Joseph, and George Mander, attorneys and solicitors, York. Oct. 17

Winding up of Joint Stock Companies.

TUESDAY, Oct. 20, 1874.

STANNARIES OF CORNWALL.

Leeds and St. Aubyn Mining Company.—Petition for winding up, presented Oct. 13, directed to be heard before the Vice-Warden, at the Law Institution, Chancery lane, on Oct. 28, at 2. Affidavits intended to be used at the hearing, in opposition to the petition, must be filed at the Registrar's Office, Truro, on or before Oct. 26, and notice thereof must at the same time be given to the petitioner, his solicitors, or their agents. Hodge and Co, Truro, solicitors for the petitioner. Gregory and Co, Bedford row, agents.

Perran Wheel Virgin Mining Company.—Petition for winding up, presented Oct. 13, directed to be heard before the Vice-Warden, at the Law Institution, Chancery lane, on Oct. 28, at 2. Affidavits intended to be used at the hearing, in opposition to the petition, must be filed at the Registrar's Office, Truro, on or before Oct. 26, and notice thereof must at the same time be given to the petitioner, his solicitor, or their agents. Caryon and Paull, Truro, solicitors for the petitioner. Gregory and Co, Bedford row, agents.

FRIDAY, Oct. 23, 1874.

LIMITED IN CHANCERY.

African Barter Company, Limited.—Petition for winding up, presented Oct. 20, directed to be heard before V.C. Hall, on Nov. 6. Pritchard and Co, Painters' hall, Little Trinity lane, agents for Grundy and Kershaw, Manchester, solicitors for the petitioner.

New Merrybent and Middleton Tyas Mining and Smelting Company, Limited.—Petition for winding up, presented Oct. 20, directed to be heard before V.C. Hall, on Nov. 6. Gregory and Co, solicitors for the petitioner.

Pneumatic Company, Limited.—Petition for winding up, presented Aug. 25, directed to be heard before V.C. Malins, on Nov. 6. Clarke and Scholes, King st, Cheapside, solicitors to the petitioners.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, Oct. 23, 1874.

Agnew, Thomas Ramden, Bristol, Esq. Dec. 1. Holland and Son Portsmouth

Allan, Bryce, Liverpool, Merchant. Dec. 19. Duncan and Co, Liverpool

Belthom, Mary, Kendal, Westmorland. Dec. 1. Bolton, Kendal

Bethom, William, Kendal, Westmorland, Retired Railway Clerk. Dec. 1. Bolton, Kendal

Blackwell, Mrs Ann, Newcastle-upon-Tyne. Jan. 20. Philipson, Newcastle-upon-Tyne

Blomfield, Samuel George, Tooting, Surrey, Gent. Dec. 31. Carter, Austin Friars

Brascombe, John, Highbury New Park. Nov. 30. Bake, Highbury New Park

Castle, William Langford, Lynton, Southampton, Admiral. Nov. 14. Moore and Jackman, Lynton

Culverwell, Samuel Henry, Norfolk st, Strand, Esq. Jan. 1. Walters and Gush, Finsbury circus

Dean, John, Haslingden, Lancashire, Gent. Dec. 1. Woodcock and Sons, Haslingden

Dennett, Ann, Lynton, Southampton. Nov. 14. Moore and Jackman, Lynton

Edwards, Maria Elizabeth, The Common, Stoke Newington. Dec. 31. Wells, Founders' Hall

Fairbairn, Sir William, Manchester, Bart. Nov. 30. Canliffe and Beaumont, Chancery lane

Fisher, Ann, Thornton rd, Wimbledon. Dec. 10. Edmunds, St. Bride's avenue, Fleet st

Ford, William, St Albans, Herts, Horsehair Manufacturer. Nov. 30. Samuel and Emanuel, Finsbury circus

Gater, Jacob, Wilms, Southampton, Esq. Nov. 5. Hewitt, Bishop's Waltham

Gilbertson, George, Charlwood st, Piccadilly, Esq. Nov. 30. Jones and Staring, Gray's inn square

Gilpin, Charles, Bedford square, Esq, M.P. Nov. 30. Carr and Co, Basinghall st

Hare, Mary, Hughenden, Buckingham. Nov. 30. Clarke, High Wycombe

Holmes, James, Liverpool, Esq. Nov. 21. Laces and Co, Liverpool

Holmes, Edward, Walford, Lancashire, Hay and Corn Merchant. Nov. 19. Bowden, Manchester

Kearney, Thomas, De Beauvoir crescent, Southgate rd, Gent. Jan. 20. Ashley and Tew, Frederick's place, Old Jewry

Kennedy, James, Bottle, Lancashire, Master Mariner. Dec. 19. Duncan and Co, Liverpool

Malenorr, John, Miles lane, London Bridge, Tailor. Oct. 31. Francis, Austin Friars

Maltby, Mary, Laister Dyke, York. Dec. 5. Middleton and Sons, Leeds

May, Samuel, Enfield st, Long Acres. Nov. 23. Smith, Great St Helen's Churchwall, George, Central st, Old st, Rope-maker. Dec. 5. Sydney, John st, Bedford row

Parks, Thomas, East Dereham, Norfolk, Innkeeper. Dec. 21. Cooper and Norgate, East Dereham

Randerson, Ellen, Keith terrace, Shepherd's Bush. Nov. 20. Gregory, King st, Cheapside

Scott, Sir Claude Edward, Bruton st, Berkeley square, Baronet. Dec. 30. Tidy and Co, Backville st, Piccadilly

Shaw, Ely Walker, Halifax, York, Woollen Manufacturer. Jan. 20. North and Sons, Leeds

Smith, Benjamin, London Wall, Esq. Nov. 23. Smith, Great St Helen's Churchwall, George, Central st, Old st, Rope-maker. Dec. 5. Sydney, John st, Bedford row

Smith, John, Northleach Gloucester. Nov. 30. Stiles, Northleach

Smith, Sarah, Northleach, Gloucester. Nov. 30. Stiles, Northleach

White, Mary Lydia, Brussels, Belgium. Dec. 10. Walters and Co, New square, Lincoln's inn

Bankrupts.

FRIDAY, Oct. 23, 1874.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Hall, Matthews, Richard Jose, and John Jose, Brixton rd, Drapers. Pet Oct 20. Brougham. Nov 3 at 11

Edmeades, William, Soho square, Pianoforte Manufacturers. Pet Oct 21. Brougham. Nov 3 at 12

To Surrender in the Country.

Buckley, John Bramley, Wetneth, Lancashire, Cotton Broker. Pet Oct 19. Tweedale. Oldham, Nov 4 at 12

Drummond, Samuel, Hestbank, nr Lancashire, Gent. Pet Oct 20. Preston, Nov 5 at 10.30

Feeny, William, Birmingham, Upholsterer. Pet Oct 20. Charnier. Birmingham, Nov 4 at 12

Griggs, Isaac, Sheering, Essex, Farmer. Pet Oct 17. Hawks. Hertford, Nov 14 at 11

Hawksley, Henry, Henry James, and Arthur John Fretwell, Sheepbridge, Derby, Brick Manufacturers. Pet Oct 15. Wase. Sheffield, Nov 6 at 10.30

Keeley, Hugh, Heaton Norris, Lancashire, Gent. Pet Oct 19. Hys. Stockport, Nov 4 at 11

Mathew, James Edward, Eastbourne, Sussex, no occupation. Pet Oct 19. Blaker. Lewes, Nov at 12

BANKRUPTCIES ANNULLED.

FRIDAY, Oct. 23, 1874.

Savage, Frederick, Bevois Hill, Southampton, Hotel Keeper. Oct 20

TUESDAY, Oct. 29, 1874.

Hoole, William Stephen. Oct 24

Lees, Harcourt Alfred, Liverpool, Cotton Merchant. Oct 23

Angerstein, William John Nettleship, Ashby Lodge, Northampton, Gent. Oct 24

Liquidation by Arrangement

FIRST MEETINGS OF CREDITORS.

TUESDAY, Oct. 20, 1874.

Alvey, John, Manchester, Grocer. Nov 6 at 3 at offices of Sutton and Elliott, Brown st, Manchester

Barker, Thomas Atin, Todmorden, York, Grocer. Nov 5 at 3.30 at the Queen Hotel, Todmorden. Eastwood, Todmorden

Beckingham, James, and Frank Williams Beckingham, Boxford, Berks, Millers. Oct 25 at 11 at the White Hart Hotel, Newbury. Carr, Newbury

Fennett, Frederick, and Thomas Harold Bennett, Exmouth st, Sawing Machinists. Oct 29 at 3 at 82, Queen st, Cheapside

Bevan, Samuel, Swansea, Glamorgan, Grocer. Oct 31 at 11 at offices of Davies and Harland, Rutland st, Swansea

Biddle, Samuel, St John st rd, Clerkenwell, Tobacconist. Oct 30 at 3 at offices of Collins and Wilkin, Abchurch lane

Blake, Edward, Oldham, Lancashire, Grocer. Nov 2 at 11 at the Mitre Hotel, Manchester. Clark, Oldham

Bosworth, William, Newcastle-under-Lyme, Stafford, Fruiterer. Oct 27 at 3 at offices of Turner, Albion st, Halesley

Brankston, Matthew, Pows, at Woolwich, Hatter. Oct 30 at 3 at offices of Cooper, Charing cross

Bridge, George, jun, Beckenham, Kent, Schoolmaster. Oct 38 at 2 at the Bell Hotel, Bromley. Holcroft and Co, Sevenoaks

Briscoe, George, Birkenhead, Cheshire, Saddler. Oct 24 at 2 at offices of Downham, Market st, Birkenhead

Brook, Frank, Newport, Isle of Wight, Carver. Nov 3 at 2 at Warburton's Hotel, Quay st, Newport

Barrows, Robert, Buckingham, Innkeeper. Nov 7 at 10.30 at the Whale Inn, Buckingham. Stockton

Card, Albin, Neath, Fruiterer. Oct 30 at 1 at the Townhall, Neath

Child, William, Oldham, Lancashire, Licensed Victualler. Oct 30 at 11 at offices of Clark, Clegg st, Oldham

Cochrane, Peter, Cheshire, Provision Merchant. Nov 3 at 3 at offices of Bent, Piccadilly, Manchester

Collier, John, Hanley, Stafford, Confectioner. Oct 26 at 3 at the Copeland Arms Inn, Stoke-upon-Trent. Shires, Leicester

Da Costa, Frederick Gomez, Manchester, Merchant's Clerk. Nov 2 at 3 at offices of Sale and Co, Booth st, Manchester

Davey, John Henry, Plymouth, Devon, Accountant. Nov 2 at 11 at offices of Greenway and Adams, Frankfort st, Plymouth

Dietrich, William Frederick Christian, Liverpool, Tailor. Nov 5 at 2 at offices of Cotton, South John st, Liverpool

Elliott, Henry, Lower Wandsworth rd, Pawnbroker. Nov 6 at 12 at offices of Poole and Hughes, New square, Lincoln's inn

Foxall, Thomas, Aberdare, Glamorgan, Draper. Nov 4 at 1 at offices of Linn and Williams, Cannon st, Aberdare

Godart, Peter, Wapping wall, Shadwell, Painter. Oct 30 at 12 at offices of Stopher, Coleman st

Goodman, Henry, Burslem, Stafford, Coal Agent. Oct 23 at 11 at offices of Tomkinson, Hanover st, Burslem

Green, Charles Verry, Chapel st, Belgrave square, Dairyman. Nov 2 at 1 at offices of Easleton, Chancery lane

Guerrier, Luke Dawson, Metropolitan Meat Market, Meat Salesman. Nov 3 at 11 at offices of Pearce, Gilt-par st

Guest, James Elias, Rutland terrace, Forest Hill, Builder. Oct 30 at 2 at offices of Banks, Coleman st

Gwillim, John, Three Colts st, Limehouse, Cheesemonger. Nov 3 at 3 at offices of Palmer and Hubbard, King William st. Godfrey, Gray's inn

Harlow, John, Swinton, Lancashire, Butcher. Nov 2 at 12 at offices of Lowndes, Bridge st, Manchester

Haslop, Richard Oliver, Tom Hay Wilson, and John William Budden, Newcastle-upon-Tyne, Iron Merchants. Nov 2 at 11 at offices of Ingledew and Daggett, Dean st, Newcastle-upon-Tyne.

Hobday, Henry, Birmingham, Grocer. Oct 30 at 11 at offices of Powell, Temple st, Birmingham.

Hunt, Thomas Alfred, High st, Stepney, Provision Dealer. Nov 3 at 12 at offices of Plunkett, Gutter lane.

James, John, Newport, Monmouth, Builder. Oct 30 at 11 at offices of Gibbs, Commercial st, Newport.

Kelsey, Castle, Kingston-upon-Hull, Corn Merchant. Nov 2 at 12 at offices of Rolitt and Sons, Trinity House lane, Kingston-upon-Hull.

Kemp, Edward Mortlock, Church st, Woolwich, Confectioner. Nov 6 at 3 at the Wheatsheaf Public house, Henry st, Woolwich, Cooper, Charing cross.

Lee, John Isaac, Gresham st, Shop Front Fitter. Nov 2 at 3 at offices of Sydney, Leadenhall st.

Lee, William, Stratford, Essex, Clothier. Nov 2 at 12 at offices of Brown, Basinghall st.

Levermore, Edwin William, Cullum st, Chemical Merchant. Nov 4 at 3 at 35, Walbrook. Mount.

Lillie, William, and William Elder, Berwick-upon-Tweed, Engineers. Oct 29 at 12 at offices of Dunlop, Quay Walls, Berwick-upon-Tweed.

Llewellyn, William, Haverfordwest, Draper. Nov 9 at 1 at offices of Mathias and Co, Park st, Haverfordwest.

Loughbottom, James, Hunslet, Leeds, Galvaniser. Nov 4 at 2 at offices of Scott, Albion st, Leeds.

Lynch, Francis, Scarborough, York, Boot Dealer. Oct 30 at 11 at offices of Rooke and Midgley, Boar lane, Leeds.

Marriott, Joseph Parker, Wakefield, York, Worsted Spinner. Nov 2 at 215 at the Bull Hotel, Wakefield. Leeming.

McDonald, John, Sheffield, Draper. Oct 30 at 11 at offices of Binney and Sons, Queen st chambers, Sheffield.

Meier, Frederic, New Broad st, Surveyor. Nov 2 at 11 at offices of Chorley and Crawford, Moorgate st.

Meredith, Robert Fitzgerald, Halstock, Dorset, Clerk. Oct 27 at the Choughs Inn, Yeovil, in lieu of the place originally named.

Midgley, James, Almondsbury, York, Builder. Nov 3 at 4 at offices of Sykes and Son, Lord st, Huddersfield.

Miller, Thomas, Broadwall, Blackfriars, Dealer in Horseflesh. Oct 27 at 11 at the Claremont Tavern, Upper Grange rd, Bermondsey.

Millon, Benfrem rd, Lower Kennington lane.

Miller, Thomas, Birmingham, Ironmaster. Nov 3 at 4 at the Hen and Chickens Hotel, New st, Birmingham. Sutton and Elliott, Manchester.

Moore, Charles Edward, and John Knowles Rowbotham, Leeds, Sponge Merchants. Oct 29 at 11 at offices of Hardwick, Boar lane, Leeds.

Morrod, Thomas, Newcastle-upon-Tyne, Gilder. Nov 2 at 2 at offices of Joel, Newgate st, Newcastle-upon-Tyne.

Mott, Henry, Henley-on-Thames, Oxford, Baker. Oct 31 at 2 at offices of Elkins, Forbury, Reading.

Murray, William, Salford, Lancashire, Dealer in Horses. Oct 26 at 3 at the Clarence Hotel, Spring gardens, Manchester, in lieu of the place originally named.

Nicklin, William, Hanley, Stafford, Beerseller. Oct 31 at 4.30 at 26, Chesapeake, Hanley. Shires, Leicester.

O'Neil, Arthur, Little Pulteney st, Soho, Licensed Victualler. Oct 29 at 2 at the Riddlers' Hotel, Holborn.

Pearce, Edward, Salisbury, Wilts. Oct 29 at 1 at the London Tavern, Bishopsgate st. Godwin, Winchester.

Rice, Rev John, Andover, Southampton. Nov 3 at 11 at the White Hart Hotel, Market place, Newbury. Cave, Newbury.

Ridley, George, Manchester, Attorney. Nov 2 at 3 at offices of Shaw, Brazenose st, Manchester.

Rodger, Alfred Macswane, Manchester, Watch Jobber. Nov 2 at 3 at offices of Whitlow, Oldmill gate, Manchester.

Rogers, William, West Bromwich, Stafford, Iron Merchant. Nov 7 at 10.30 at offices of Jackson, Lombard st, West Bromwich.

Roper, Alfred, Holloway rd, Draper. Nov 7 at 11 at offices of Philpott, Guildhall chambers, Basinghall st.

Russell, John, St John's rd, Hoxton, Shoe Manufacturer. Nov 2 at 11 at offices of High, King st, Chesham.

Schama, Elias Levi, Manchester, Merchant. Oct 26 at 3 at the Clarence Hotel, Spring gardens, Manchester. Storer, Manchester.

Semple, Edward, Duke st, St James's, Chemists' Sundryman. Oct 27 at 11 at offices of Norman, Old Bond st.

Shirley, William, Longport, Stafford, Commission Merchant. Oct 27 at 12 at offices of Mayer, Furling place, Burslem.

Shoon, Thomas, Leicester, no occupation. Oct 31 at 13 at offices of Truman, Victoria st, Nottingham.

Speer, Joseph, and Ralph Pounton, Tunstall, Stafford, Earthenware Manufacturers. Oct 28 at 11 at the High gate Inn, Tunstall. Salt, Tunstall.

Spir, James, and Arthur Henry Aird Woodgate, Newcastle-upon-Tyne, Merchants. Nov 2 at 12 at offices of Hoyle and Co, Collingwood st, Newcastle-upon-Tyne.

Stratt, John, Manchester, Fruit Merchant. Nov 2 at 3 at offices of Heath and Sons, Swan st, Manchester.

Taylor, John, Newcastle-upon-Tyne, Paint Manufacturer. Oct 30 at 11 at offices of Garbutt, Collingwood st, Newcastle-upon-Tyne.

Wall, Thomas, Darley Hill side, Derby, Stonemason. Oct 31 at 11 at the Holy Tree Beer house, Darley Hill side. Neale, Matlock.

Walters, David, Sedgley, Stafford, Licensed Victualler. Oct 27 at 11 at offices of Stokes, Friary st, Dudley.

Weeks, Walter Dowdlock, New swindon, Wilts, Baker. Nov 2 at 10 at offices of Kinneir and Tombs, Corn Exchange, Swindon.

White, George, Northampton, Pig Dealer. Oct 30 at 11 at offices of Jeffery, Market square, Northampton.

Williams, Thomas, Bersham, Denbigh, Miller. Nov 2 at 2 at offices of Humphreys, Temple row, Wrexham.

Wood, James, Rochester terrace, Camden Town, out of business. Nov 10 at 2 at offices of Layton and Co, Budge row, Cannon st.

Wood, Richard Poppercorn, and Edward Wood, Aldersgate st, Glass Merchants. Oct 19 at 3 at the Guildhall Tavern, Gresham st.

Wright, Morden, Walworth rd, Surgeon. Oct 30 at 4 at Riddler's Hotel, Holborn. York, Marylebone.

Young, Goulder, Margate, Kent, Fruiterer. Nov 2 at 2 at the Edinburgh Hall, High st, Margate. Moss, Margate.

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THIS EVENING, at 7.30, THE TWO ORPHANS: Messrs. William Rignold, Anson, Harcourt, Sugden, Vollaie, Rowland and Henry Neville; Mesdames Charles Viner, Huntley, Harcourt, Taylor, Douglas, Ernstone, Hazleton, and Miss Fowler. At 7, TWENTY MINUTES WITH A TIGER.

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1874.

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Aug. 23, 1874.]

PUBLIC GENERAL STATUTES

OF GREAT BRITAIN

THE STATUTES OF GREAT BRITAIN

IN COOK'S COURT, CANNY STREET, W.C.

1874

PUBLIC GENERAL STATUTES. 1874.

37 & 38 VICTORIA.

[THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.]

CAP. I.

An Act to apply the sum of one million four hundred and twenty-two thousand seven hundred and ninety-seven pounds fourteen shillings and sixpence out of the Consolidated Fund to the service of the years ending the thirty-first day of March, one thousand eight hundred and seventy-three, and one thousand eight hundred and seventy-four.

[28th March, 1874.]

CAP. II.

An Act to apply the sum of seven million pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy-five.

[30th March, 1874.]

CAP. III.

An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.

[30th March, 1874.]

1. *Power to the Secretary of State in Council of India to raise any sum not exceeding £10,000,000.*

2 to 16. *Regulations with reference to issue of bonds and debentures, &c., &c.*

17. *Stock created hereunder to be deemed East India Stock.* Any capital stock created under this Act shall be deemed to be East India stock, within the Act twenty-second and twenty-third Victoria, chapter thirty-five, section thirty-two, unless and until Parliament shall otherwise provide; and any capital stock created under this Act shall be deemed to be and shall mean India stock within the Act of the twenty-sixth and twenty-seventh Victoria, chapter seventy-three, anything in the said last-mentioned Act to the contrary notwithstanding.

18. *Sect. 3, &c. of 33 and 34 Vict. c. 93, extended to capital stock created under this Act.* The provisions contained in the third section of the Act of the thirty-third and thirty-fourth Victoria, chapter ninety-three, and all other enactments in the said Act relating to or affecting such provisions, shall be extended and be applicable to any capital stock created under this Act, or any previous Acts, and chargeable upon the revenues of India.

CAP. IV.

An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.

[24th April, 1874.]

CAP. V.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

[24th April, 1874.]

CAP. VI.

An Act to amend the Acts relating to Cattle Disease in Ireland.

[21st May, 1874.]

CAP. VII.

An Act to amend the Law respecting the payment of the Assistant Judge of the Court of the Sessions of the Peace for the county of Middlesex, and his deputy, and the Chairman of the Second Court at such Sessions.

[21st May, 1874.]

CAP. VIII.

An Act to make provision for the taking of Harbour Dues in the Isle of Man.

[21st May, 1874.]

CAP. IX.

An Act to authorise an Advance out of the Consolidated Fund of the United Kingdom to the Public Works Loan Commissioners, for enabling them to make Loans to School Boards in pursuance of the Elementary Education Act, 1873.

[21st May, 1874.]

CAP. X.

An Act to apply the sum of thirteen million pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy-five.

[21st May, 1874.]

CAP. XI.

An Act for altering the shooting season for Grouse and certain other Game Birds in Ireland.

[21st May, 1874.]

1. *Grouse season to begin on 12th August in Ireland.*
2. *Short title.*

CAP. XII.

An Act to make provision for the transfer of the assets and liabilities of the Bengal and Madras Civil Service Annuity Funds, and the Annuity Branch of the Bombay Civil Fund, to the Secretary of State for India in Council.

[8th June, 1874.]

CAP. XIII.

An Act to extend to the present Bishop of Calcutta the Regulations made by Her Majesty as to the leave of absence of Indian Bishops.

[8th June, 1874.]

CAP. XIV.

An Act to render valid Marriages heretofore solemnised in the Chapel of Ease called "Saint Paul's Church at Pooley Bridge," in the parish of Barton, in the county of Westmoreland.

[8th June, 1874.]

CAP. XV.

An Act to amend the Act of sixteenth and seventeenth Victoria, chapter one hundred and nineteen, intitled "An Act for the Suppression of Betting Houses."

[8th June, 1874.]

Whereas it is expedient to amend the Act of the session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter one hundred and nineteen, in-

titled "An Act for the suppression of Betting Houses," and to extend the provisions of such Act to Scotland :

Be it enacted, &c.

1. *Act to be construed with 16 & 17 Vict. c. 119. Short title.* This Act shall be construed as one with the Act of the Session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter one hundred and nineteen, intituled "An Act for the suppression of Betting Houses" (in this Act referred to as the principal Act), and the principal Act and this Act may be cited together as the Betting Acts 1853 and 1874, and each of them may be cited separately as the Betting Act of the year in which it was passed.

2. *Commencement of Act.* This Act shall not come into operation until the thirty-first day of July one thousand eight hundred and seventy-four.

3. *Penalty on persons advertising as to betting.* Where any letter, circular, telegram, placard, handbill, card, or advertisement is sent, exhibited or published,—

(1.) Whereby it is made to appear that any person, either in the United Kingdom or elsewhere, will on application give information or advice for the purpose of or with respect to any such bet or wager, or any such event or contingency as is mentioned in the principal Act, or will make on behalf of any other person any such bet or wager as is mentioned in the principal Act; or

(2.) With intent to induce any person to apply to any house, office, room or place, or to any person, with the view of obtaining information or advice for the purpose of any such bet or wager or with respect to any such event or contingency as is mentioned in the principal Act; or

(3.) Inviting any person to make or take any share in or in connection with any such bet or wager ;

every person sending, exhibiting, or publishing, or causing the same to be sent, exhibited, or published, shall be subject to the penalties provided in the seventh section of the principal Act with respect to offences under that section.

4. *Extension to Scotland.* The twentieth section of the principal Act is hereby repealed, and the principal Act, as amended by this Act, shall extend to Scotland, with the following modifications and provisions :

(1.) the term "distress" shall mean pouding and sale :

The term "misdemeanour" shall mean a crime and offence :

(2.) All offences or penalties under this Act and the principal Act shall be prosecuted and recovered before the sheriff of the county or his substitute in the sheriff court, at the instance of the Procurator Fiscal, or of any private person, under the provisions of the Summary Procedure Act, 1864, and all the jurisdictions, powers, and authorities necessary for the purposes of this section are hereby conferred on the sheriffs and their substitutes :

(3.) Every pecuniary penalty which is adjudged to be paid under this or the principal Act, shall be paid to the clerk of the court, and shall be by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer on behalf of Her Majesty :

(4.) The thirteenth and fourteenth sections of the principal Act shall not apply to Scotland, but it shall be competent to any person who is convicted under this Act or the principal Act to appeal against such conviction to the High Court of Justiciary, in the manner prescribed by such of the provisions of the Act of the twentieth year of the reign of King George the Second, chapter forty-three, and any Acts amending the same as relate to appeals in matters criminal, and by and under the rules, limitations, convictions, and restrictions contained in the said provisions.

CAP. XVI.

An Act to grant certain Duties of Customs and Inland Revenue, to repeal and alter other Duties, and to amend the Laws relating to Customs and Inland Revenue.

[8th June, 1874.]

PART I.—CUSTOMS.

PART II.—INCOME TAX.

PART III.—INCOME TAX AND INHABITED HOUSE DUTIES.

Case for Opinion of Court.

8. *Application of part and interpretation of term.* This part of this Act applies to Great Britain only ; and in the construction thereof the term "the court" means, as to England, the Court of Exchequer at Westminster, until the Supreme Court of Judicature Act comes into operation, and thereafter the Exchequer Division of the High Court of Justice, and, as to Scotland, the Court of Exchequer in Scotland.

9. *Commissioners for income tax and inhabited house duties may be required to state a case for the opinion of Court.* Immediately upon the determination of any appeal under the Acts relating to income tax by the commissioners for the general purposes, or by the commissioners for the special purposes, of such Acts, or any appeal under the Acts relating to the inhabited house duties by the commissioners for executing such last-mentioned Acts, the appellant or the inspector or surveyor may, if dissatisfied with the determination as being erroneous in point of law, declare his dissatisfaction to the commissioners who heard the appeal (hereinafter called the commissioners), and having so done may, within twenty-one days after the determination, require the commissioners, by notice in writing addressed to their clerk, to state and sign a case for the opinion of the court thereon. The case shall set forth the facts and the determination, and the party requiring the same shall transmit the case, when so stated and signed, to the court within seven days after receiving the same, and shall previously to or at the same time give notice in writing of the fact of the case having been stated on his application, together with a copy of the case to the other party, being the inspector or surveyor, or the appellant, as the case may be.

10. *Provisions in relation to cases.* In relation to cases to be so stated, and the hearing thereof, the following provisions shall have effect :

(1.) The party requiring the case shall, before he shall be entitled to have the case stated, pay to the clerk to the commissioners a fee of twenty shillings for and in respect of the case.

(2.) The court shall hear and determine the question or questions of law arising on a case transmitted under this Act, and shall thereupon reverse, affirm, or amend the determination in respect of which the case has been stated, or remit the matter to the commissioners with the opinion of the court thereon, or may make such other order in relation to the matter, and may make such order as to costs as to the court may seem fit, and all such orders shall be final and conclusive on all parties.

(3.) The court shall have power, if they think fit, to cause the case to be sent back for amendment, and thereupon the same shall be amended accordingly, and judgment shall be delivered after it shall have been amended.

(4.) The authority and jurisdiction hereby vested in the court shall and may (subject to any rules and orders of the court in relation thereto) be exercised by a judge of the court sitting in chambers, and as well in vacation as in term time.

(5.) The court may from time to time, and as often as they shall see occasion, make and alter rules and orders to regulate the practice and proceedings in reference to cases stated under this Act.

PART IV.—EXCISE.

CAP. XVII.

An Act to render valid Marriages heretofore solemnised in the Chapel of Ease called Saint John the Evangelist, at Bentley, in the parish of Shustock, in the county of Warwick.

[8th June, 1874.]

CAP. XVIII.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other rates and taxes.

[30th June, 1874.]

CAP. XIX.

An Act to amend "The Stamp Act, 1870," in regard to the Stamp Duty payable by Advocates in Scotland on admission as Barristers in England or Ireland, and by Barristers in England or Ireland on admission as Advocates in Scotland.

[30th June, 1874.]

Whereas by "The Stamp Act, 1870," it was enacted that the stamp duty payable on admission as an advocate in Scotland shall be fifty pounds, and that the stamp duty payable on admission in England or Ireland of any person to the degree of barrister-at-law if he has been previously duly admitted to the said degree in Ireland or in England, as the case may be, shall be ten pounds, and in any other case fifty pounds; and it is provided by section thirty-one of the said Act that ten pounds of the duty of fifty pounds payable on admission to the degree of a barrister-at-law in Ireland of a person not previously admitted to that degree in England, and also ten pounds payable for duty on the like admission of a person who has been previously admitted to the said degree in Ireland, shall be paid by the Receiver General of Inland Revenue to the Treasurer of the Society of King's Inn, Dublin, to be applied by him according to the directions of the said society, so that no more than fifty pounds is in any case paid to Exchequer by a person on admission to the said degree in England and afterwards in Ireland, or in Ireland and afterwards in England; and it is just that no more should be paid to Exchequer on admission as an advocate in Scotland, and afterwards to the degree aforesaid in England or Ireland, or on admission to the degree aforesaid in England or Ireland, and afterwards as an advocate in Scotland:

Be it therefore enacted, &c.

1. *Stamp duties to be paid on admission of an advocate to be a barrister and vice versa.* No stamp duty shall be payable on admission in England to the degree of barrister-at-law of a person previously duly admitted as an advocate in Scotland, or on admission as an advocate in Scotland, of a person previously duly admitted to the degree of barrister-at-law in England, and the stamp duty payable on admission as an advocate in Scotland of a person previously duly admitted to the degree of barrister-at-law in Ireland shall be ten pounds, and the stamp duty payable on admission in Ireland to the degree of barrister-at-law of a person previously duly admitted as an advocate in Scotland shall be ten pounds.

2. *Distinct accounts to be kept of moneys payable to King's Inns, Dublin.* 33 & 34 Vict. c. 97, s. 31. A distinct account shall be kept of the moneys payable for duty on the admission to the degree of barrister-at-law in Ireland of persons previously duly admitted as advocates in Scotland, and such moneys shall be paid over by the Receiver General of Inland Revenue to the Treasurer of the Society of King's Inns, in Dublin, to be applied by him according to the directions of the said society.

CAP. XX.

An Act to provide for the Exemption of Churches and Chapels in Scotland from Local Rates and Assessment.

[30th June, 1874.]

CAP. XXI.

An Act for the discontinuance of the Four Courts Marshalsea (Dublin), and the removal of Prisoners therefrom.

[30th June, 1874.]

CAP. XXII.

An Act to relieve Revenue Officers from remaining Electoral Disabilities.

[30th June, 1874.]

Whereas an Act was passed in the session of Parliament holden in the thirty-first and thirty-second years of the reign of her present Majesty, intituled "An Act to relieve certain officers employed in the collection and management of her Majesty's revenues from any legal disability to vote at the election of members to serve in Parliament:"

And whereas, notwithstanding the passing of the said Act, certain servants of the Crown in the Revenue departments are still subject, at the suit of informers and others, to certain very severe penalties in relation to elections for

members of Parliament, to which penalties other civil servants of the Crown are not subject:

And whereas it is desirable to abolish such penalties:

Be it enacted, &c.

1. *Enactments in schedule repealed.* The enactments contained in the schedule to this Act and any enactments reviving or continuing the same or any of the enactments contained in the schedule to the Act of the thirty-second year of her Majesty, chapter seventy-three, are hereby repealed.

SCHEDULE.

THE STATUTES OF THE REALM.

12 & 13 W. 3, c. 10, s. 89 (s. 91, in Ruffhead's edition).
9 Anne, c. 11, s. 45 (c. 10, s. 44, in Ruffhead's edition).
10 Anne, c. 18, s. 198 (c. 19, s. 182, in Ruffhead's edition).
2 & 3 Vict. c. 71 s. 6.

CAP. XXIII.

An Act to amend the Acts regulating the Salaries of Resident Magistrates in Ireland, and the Salaries of the Chief Commissioner and Assistant Commissioner of Police of the Police District of Dublin Metropolis.

[30th June, 1874.]

CAP. XXIV.

An Act to empower the Public Works Loan Commissioners to advance a sum of money, by way of loan, for the improvement of the Harbour of Colombo in the colony of Ceylon.

[30th June, 1874.]

CAP. XXV.

An Act to remove the Restrictions contained in the British White Herring Fishery Acts in regard to the use of Fir Wood for Herring Barrels.

[30th June, 1874.]

1. *So much of 55 Geo. 3, c. 94, as prohibits white herrings from being cured, &c., in any barrels made of fir, repealed; but Crown brand cannot be demanded except under regulations to be made by the Commissioners.*

2. *Jurisdiction and penalties.*

CAP. XXVI.

An Act to make provision respecting the Stamp Duty on Transfers of Stock of the Government of Canada.

[30th June, 1874.]

CAP. XXVII.

An Act to regulate the Sentences imposed by Colonial Courts where jurisdiction to try is conferred by Imperial Acts.

[30th June, 1874.]

Whereas by certain Acts of Parliament jurisdiction is conferred on courts in her Majesty's colonies to try persons charged with certain crimes or offences, and doubts have arisen as to the proper sentences to be imposed upon conviction of such persons; and it is expedient to remove such doubts:

Be it enacted, &c.

1. *Short title.* This Act may be cited for all purposes as the Courts (Colonial) Jurisdiction Act, 1874.

2. *Definition of term "colony."* For the purposes of this Act,—

The term "colony" shall not include any places within the United Kingdom, the Isle of Man, or the Channel Islands, but shall include such territories as may for the time being be vested in her Majesty by virtue of an Act of Parliament for the Government of India, and any plantation, territory, or settlement situate elsewhere within her Majesty's dominions, and subject to the same local government; and for the purposes of this Act all plantations, territories, and settlements under a central legislature shall be deemed to be one colony under the same local government.

3. *Trials in any colonial courts by virtue of Imperial Acts, courts empowered to pass sentences as if crimes had been committed in the colony.* When, by virtue of any Act of Parliament

now or hereafter to be passed, a person is tried in a court of any colony for any crime or offence committed upon the high seas or elsewhere out of the territorial limits of such colony and of the local jurisdiction of such court, or if committed within such local jurisdiction made punishable by that Act, such person shall, upon conviction, be liable to such punishment as might have been inflicted upon him if the crime or offence had been committed within the limits of such colony and of the local jurisdiction of the court, and to no other, anything in any Act to the contrary notwithstanding: provided always, that if the crime or offence is a crime or offence not punishable by the law of the colony in which the trial takes place, the person shall, on conviction be liable to such punishment (other than capital punishment) as shall seem to the court most nearly to correspond to the punishment to which such person would have been liable in case such crime or offence had been tried in England.

CAP. XXVIII.

An Act to further amend the Law relating to Juries in Ireland. [30th June, 1874.]

Whereas the law relating to juries in Ireland was amended by "The Juries (Ireland) Act, 1873," but the time during which the provisions of the said Act should be in force and operation was by the said Act limited to the eleventh day of January, one thousand eight hundred and seventy-five.

And whereas it is expedient that certain of the said provisions should continue in force and operation for a further limited time:

Be it therefore enacted, &c.

1. *Short title.*] This Act may be cited for all purposes as "The Juries (Ireland) Act, 1874;" and the Juries (Ireland) Acts, 1871 to 1873, and this Act shall be construed together as one Act, and the same may be cited for all purposes as "The Juries (Ireland) Acts, 1871 to 1874."

2. *Certain provisions of 36 Vict. c. 27, continued.*] The provisions of "The Juries (Ireland) Act, 1873," with the exception of sections three and eight, shall continue in force and operation until the eleventh day of January, one thousand eight hundred and seventy-six; and the said provisions of the said Act hereby continued shall be read and construed as if the words "one thousand eight hundred and seventy-six" were therein inserted instead of the words "one thousand eight hundred and seventy-five," and as if the words "in the year one thousand eight hundred and seventy-four" were inserted in section five instead of the words "in the year one thousand eight hundred and seventy-three."

CAP. XXIX.

An Act to amend the Law relating to the Militia.

[30th June, 1874.]

1. *Short title.*
2. *Power to her Majesty to regulate the Militia by warrants and regulations, &c.*
3. *Existing Militia Pay Acts to have same force as royal warrants.*
4. *Definition of "Militia Pay Acts."*

CAP. XXX.

An Act to transfer parts of the Holyhead Old Harbour Road from the Board of Trade to the Local Board of Health of the town of Holyhead; and for other purposes. [30th June, 1874.]

CAP. XXXI.

An Act to amend the Conjugal Rights (Scotland) Amendment Act, 1861. [16th July, 1874.]

CAP. XXXII.

An Act to amend "The Drainage and Improvement of Lands Act (Ireland), 1863." [16th July, 1874.]

26 & 27 Vict. c. 88.] Whereas by "The Drainage and Improvement of Lands Act (Ireland), 1863," the Commissioners of Public Works in Ireland were authorised to advance money in the manner and subject to the conditions in the

said Act mentioned, for the purpose of aiding in the completion of works for the drainage and improvement of lands in any district, and the repayment of any money so advanced was to be secured by means of an annual rentcharge to be payable for the term of twenty-two years at the rate of six pounds ten shillings for every one hundred pounds charged upon such lands in the manner by the said Act provided:

27 & 28 Vict. c. 72.] And whereas a further Act was passed in the session of Parliament held in the twenty-seventh and twenty-eighth years of Her Majesty, chapter seventy-two, explaining certain provisions contained in the said Act:

28 & 29 Vict. c. 52. 32 & 33 Vict. c. 72.] And whereas the said Acts were amended by "The Drainage and Improvement of Lands Amendment Act (Ireland), 1865," and by "The Drainage and Improvement of Lands Amendment Act (Ireland), 1869," and it is expedient further to amend the said Acts:

Be it therefore enacted, &c.

1. *Short title.* This Act may be cited for all purposes as "The Drainage and Improvement of Lands Amendment Act (Ireland), 1874."

2. *Loans may be made repayable by rentcharges at 5 per cent for 35 years.*] It shall be lawful for the Commissioners of Public Works, upon application of any drainage board, out of any moneys in their hands available for loans, by and with the sanction of the Commissioners of Her Majesty's Treasury, and subject to such rules, regulations, and conditions as the said Commissioners of the Treasury may think proper from time to time to make, to make loans or advances for the purposes of the said recited Acts, and to secure the repayment of the same, if they think it expedient so to do, by means of rent charges at five per cent. per annum, payable for terms of thirty-five years, instead of by rentcharges at six pounds ten shillings per cent per annum payable for terms of twenty-two years as by the said Acts provided; and in case any loan shall be so made to the drainage board of any district, each of the several parcels or portions of land specified in the award of the Commissioners, apportioning the consolidated sum of principal and interest amongst the respective proprietors of the said parcels or portions of land in such district and on their lands respectively (as by the said Acts provided) shall, from the date of such award, become charged with the payment to Her Majesty of an annual rentcharge of five pounds for every one hundred pounds charged on such parcels or portions of land respectively, and so in proportion for any lesser amount, to be payable for the term of thirty-five years, to be computed from the fifth day of April or tenth day of October which shall next happen after the making of such award, such rentcharge to be paid by equal half-yearly payments on the fifth day of April and tenth day of October in every year, the first of such payments to be made on the second of such days which shall happen after the date of such award.

3. *Provisions as to rentcharges in recited Acts to apply to rent charges under this Act.*] All the provisions in the recited Acts contained or referred to with respect to the rentcharges therein mentioned shall be applicable to rentcharges under this Act in like manner in all respects as if rentcharges under this Act were rentcharges under the recited Acts.

4. *Notice of inspector's reports having been lodged with clerks of unions to be sent to proprietors.*] In all cases in which copies of the report of any inspector appointed by the Commissioners of Public Works for the purpose of making inquiries as to the propriety of constituting any proposed district, and as to the assent of the proprietors thereto, are required to be lodged with the clerk or clerks of the unions respectively, as directed by section six, number five, of the said first-recited Act, the petitioners shall in addition to the notice which they are required to publish in some newspaper, as directed by the said section, cause notices stating that such report has been so lodged to be served on each of the reputed proprietors of land in such district by delivery of the same personally, or, if any such proprietor is absent from Ireland, to his Agent, or by leaving the same at the usual or last known place of abode of such proprietor as aforesaid, or by forwarding the same by post, in a prepaid letter, addressed to the usual or last known place of abode of such proprietor.

5. *This Act and the recited Acts to be construed as one Act.*] The Acts hereinbefore recited or referred to as amended by this Act and this Act shall be read together as one Act.

CAP. XXXIII.

An Act to extend the Powers of the Leases and Sales of Settled Estates Act. [16th July, 1874.

19 & 20 Vic. c. 120. Whereas it is expedient to extend the operation of the Act, chapter one hundred and twenty of the nineteenth and twentieth years of her Majesty, to facilitate leases and sales of settled estates, hereinafter called the principal Act :

Be it therefore enacted &c.

1. *Short title.*] This Act may be cited as the Leases and Sales of Settled Estates Amendment Act, 1874.

2. *Notice to be given to persons who do not consent to or concur in application.*] Where under the principal Act the concurrence or consent of any person in or to any application hereafter to be made under that Act is required, and such concurrence or consent shall not have been obtained, notice shall be given to such person, in such manner as the court to which such application shall be made shall direct, requiring him to notify, within a time to be specified in such notice, whether he assents to or dissents from such application or submits his rights or interests, so far as they may be affected by such application, to be dealt with by the court; and every such notice shall specify to whom and in what manner such notification is to be delivered or left. In case no notification shall be delivered or left in accordance with the notice and within the time thereby limited, the person to or for whom such notice shall have been given or left shall be deemed to have submitted his rights and interests to be dealt with by the court.

3. *Court may dispense with consent, having regard to the number and the interests of parties.*] An order under the principal Act may be made upon any such application notwithstanding that the concurrence or consent of any such person as aforesaid shall not have been obtained or shall have been refused, but the court in considering the application shall have regard to the number of persons who concur in or consent to the application, and who dissent therefrom, or who submit, or are to be deemed to submit, their rights or interests to be dealt with by the court, and to the estates or interests which such persons respectively have or claim to have in the estate as to which such application is made, and every order of the court made upon such application shall have the same effect as if all such persons had been consenting parties thereto.

4. *Applications to be dealt with otherwise as prescribed by principal Act.*] All such applications shall be otherwise dealt with in such manner as is prescribed by the principal Act, or any orders made in pursuance thereof, with regard to the exercise of the powers conferred by that Act.

CAP. XXXIV.

An Act to amend the Act of the fifty-fifth year of King George the Third, chapter one hundred and ninety-four, intituled "An Act for better regulating the Practice of Apothecaries in England and Wales."

[16th July, 1874.

21 & 22 Vict. c. 90, s. 19; 55 Geo. 3, c. 194.] Whereas by the nineteenth section of "The Medical Act, 1858," it is enacted that any two or more of the colleges and bodies in the United Kingdom mentioned in Schedule A. to the said Act may, with the sanction and under the directions of the General Council of Medical Education and Registration of the United Kingdom, constituted in pursuance of the provisions of the said Act, unite or co-operate in conducting the examinations required for qualifications to be registered under the said Act :

And whereas by reason of certain provisions of the Act passed in the session of Parliament holden in the fifty-fifth year of the reign of his late Majesty King George the Third, intituled "An Act for better regulating the practice of Apothecaries in England and Wales" (hereinafter referred to as the Apothecaries Act), difficulty has been found to exist in the exercise by the Society of Apothecaries of London of the powers conferred on the said society by

the said nineteenth section and other sections of the Medical Act, 1858 :

And whereas it is expedient that all such difficulties should be removed, and that certain portions of the Apothecaries Act should be repealed, and that the said society of Apothecaries should have full power to unite and co-operate with all or any of the said other colleges and bodies mentioned in the said Schedule A. in conducting the said examinations :

And whereas it is desirable that the Society of Apothecaries should possess the power of striking off from the list of their licentiates any person who shall be convicted in England or Ireland of any felony or misdemeanor, or in Scotland of any crime or offence, or shall after due inquiry be judged by the General Council to have been guilty of infamous conduct in any professional respect :

Be it therefore enacted, &c.

1. *Short title.*] This Act may be cited as "The Apothecaries Act Amendment Act, 1874."

2. *Repeal of parts of sects. 4, 9, and 15 of Apothecaries Act.*] The following provisions of the Apothecaries Act shall be and they are hereby repealed; that is to say,

(1.) So much of the fourth section of the said Act as provides that no person to be by the master, wardens, and assistants for the time being chosen and appointed a member of the court of examiners shall be deemed to be properly qualified unless he shall be a member of the Society of Apothecaries aforesaid of not less than ten years' standing; and so much of the same section as provides that no person shall be deemed to be properly qualified to be appointed one of the five Apothecaries in the Act after mentioned for the purpose of examining assistants to apothecaries except he shall have been an apothecary in actual practice for not less than ten years at least previously to his being so appointed; and so much of the ninth section of the said Act as requires or provides that the twelve persons to be chosen and appointed as directed by the same section are to be properly qualified as in the said fourth section is mentioned.

(2.) So much of the fifteenth section of the said Act as provides that no person shall be admitted to any examination for a certificate to practise as an apothecary unless he shall have served an apprenticeship of not less than five years to an apothecary.

3. *Removing restrictions as to number of examiners and examination fee.*] Subject to the approval of the Privy Council, to be signified in manner provided by twenty-fourth section of "The Medical Act, 1858," and which may at any time be withdrawn by the said Privy Council, the said society of Apothecaries may, with the sanction and under the directions of the said General Medical Council, unite and co-operate with any one or more of the colleges and bodies mentioned in Schedule A. of "The Medical Act, 1858," in appointing examiners and conducting the examinations required for qualifications to be registered under the said last-mentioned Act notwithstanding that the examiners appointed for such purpose may be more or less than twelve in number, and notwithstanding that the fees to be payable by candidates and for certificates or licenses to practise, or any of such fees, be greater or less than the fees authorised or required to be taken or paid by the Apothecaries Act, and notwithstanding any other provisions in the Apothecaries Act which, but for this present section declaring that they shall not have any such effect, might prevent or hinder the said society of apothecaries from availing themselves of the right to unite and co-operate in manner and for the purposes aforesaid, or from exercising any of the powers intended to be conferred on the said society of apothecaries by "The Medical Act, 1858."

4. *Licentiate may in certain cases be removed.*]—It shall be lawful for the master, wardens, and assistants for the time being of the said Society of Apothecaries to strike off from the list of licentiates of the said society the name of any person who shall be convicted in England or Ireland of any felony or misdemeanor, or in Scotland of any crime or offence, or who shall after due inquiry be judged by the General Council to have been guilty of infamous conduct in any professional respect, and the said society shall

forthwith signify to the General Council the name of the licentiate so struck off.

5. *Saving rights of the society to admit women to certain examinations.*—Nothing in this Act contained shall deprive the said Society of Apothecaries of such right as they now have, or relieve them from any existing obligation, to admit women to the examinations required for certificates to practice as apothecaries, or to enter on the list of licentiates of the said society any women who shall have satisfactorily passed such examinations and fulfilled the other general conditions imposed upon persons seeking to obtain from the said society a qualification to be registered under the Medical Act, 1858.

CAP. XXXV.

An Act for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary.

[16th July, 1874.]

CAP. XXXVI.

An Act to render Personation, with intent to deprive any Person of Real Estate or other property, Felony.

[30th July, 1874.]

Whereas it is expedient to amend the law relating to personation :

Be it therefore enacted, &c.

1. *Personation in order to obtain property to be felony.* If any person shall falsely and deceitfully personate any person, or the heir, executor, or administrator, wife, widow, next of kin, or relation of any person, with intent fraudulently to obtain any land, estate, chattel, money, valuable security, or property, he shall be guilty of felony, and upon conviction shall be liable, at the discretion of the court by which he is convicted, to be kept in penal servitude for life, or any period not less than five years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

2. *Saving.* Nothing in this Act shall prevent any person from being proceeded against and punished under any other Act, or at common law, in respect of an offence (if any) punishable as well under this Act as under any other Act, or at common law.

3. *Offences against this Act not to be tried at general or quarter sessions.* No offence against this Act shall be prosecuted or tried at any court of general or quarter sessions of the peace.

4. *Short title.* This Act may be cited for all purposes as the False Personation Act, 1874.

CAP. XXXVII.

An Act to alter and amend the Law as to Appointments under powers not exclusive.

[30th July, 1874.]

Whereas by deeds, wills, and other instruments, powers are frequently given to appoint real and personal property amongst several objects in such manner that no one of the objects of the power can be excluded, or some one or more of the objects of the power cannot be excluded by the donee of the power from a share of such property, but without requiring a substantial share of such property to be given to each object of the power, or to each object of the power who cannot be excluded :

And whereas instruments intended to operate as executions of such powers are frequently invalid in consequence of the donee of the power appointing in favour of some one or more of the objects of the power to the exclusion of the other or others, or some other or others of such objects, and it is expedient to amend the law so as to prevent such intended appointments failing :

Be it therefore enacted, &c.

1. *Appointments to be valid notwithstanding one or more objects excluded.* That no appointment, which from and after the passing of this Act shall be made in exercise of any power to appoint any property, real or personal, amongst several objects, shall be invalid at law or in equity on the ground that any object of such power has been altogether excluded, but every such appointment shall be valid and

effectual notwithstanding that any one or more of the objects shall not thereby or in default of appointment take a share or shares of the property subject to such power.

2. *Proviso.* Provided always, and be it enacted, that nothing in this Act contained shall prejudice or affect any provision in any deed, will, or other instrument creating any power, which shall declare the amount or the share or shares from which no object of the power shall be excluded, or some one or more object or objects of the power shall not be excluded.

CAP. XXXVIII.

An Act to extend the Jurisdiction of Courts of the Colony of the Straits Settlements to certain Crimes and Offences committed out of the Colony.

[30th July, 1874.]

CAP. XXXIX.

An Act to provide for the exception of the Borough of Wenlock from the category of boroughs under the "Elementary Education Act, 1870."

[30th July, 1874.]

CAP. XL.

An Act to amend the powers of the Board of Trade with respect to inquiries, arbitrations, appointments, and other matters under special Acts, and to amend the Regulation of Railways Act, 1873, so far as regards the reference of differences to the Railway Commissioners in lieu of Arbitrators.

[30th July, 1874.]

Be it enacted, &c.

Preliminary.

1. *Short title.* This Act may be cited as the Board of Trade Arbitrations, &c. Act, 1874.

PART I.

Board of Trade Inquiries, &c.

2. *Power of Board of Trade as to inquiry.* Where, under the provisions of any special Act, passed either before or after the passing of this Act, the Board of Trade are required or authorised to sanction, approve, confirm, or determine any appointment, matter, or thing, or to make any order or to do any other act or thing for the purposes of such special Act, the Board of Trade may make such inquiry as they may think necessary for the purpose of enabling them to comply with such requisition or exercise such authority.

Where an inquiry is held by the Board of Trade for the purposes of this section, or in pursuance of any general or special Act passed either before or after the passing of this Act, directing or authorising them to hold any inquiry, the Board of Trade may hold such inquiry by any person or persons duly authorised in that behalf by an order of the Board of Trade, and such inquiry if so held shall be deemed to be duly held.

3. *Expenses connected with arbitration, sanction, &c.* Where application is made in pursuance of any special Act passed either before or after the passing of this Act, to the Board of Trade to be arbitrators, or to appoint any arbitrator, referee, engineer, or other person, or to hold any inquiry, or to sanction, approve, confirm, or determine, any appointment, matter, or thing, or to make any order, or to do any other act or thing for the purposes of such special Act, all expenses incurred by the Board of Trade in relation to such application and the proceedings consequent thereon shall, to such amount as the Board of Trade may certify by their order to be due, be defrayed by the parties to such application, and (subject to any provision contained in the said special Act) shall be defrayed by such of the parties as the Board of Trade may by order direct, or, if so directed by an order of the Board of Trade, shall be paid as costs of the arbitration or reference.

The Board of Trade may, if they think fit, on or at any time after the making of the application, by order require the parties to the application, or any of them, to pay to the Board of Trade such sum as the Board of Trade think requisite for or on account of those expenses, or to give security to the satisfaction of the Board of Trade for the payment of those expenses on demand, and if such payment or security is not made or given, may refuse to act in pursuance of the application.

All expenses directed by an order of the Board of Trade or an award in pursuance of this section to be paid, may be recovered in any court of competent jurisdiction as a debt, and if payable to the Board of Trade, as a debt to the Crown, and an order of the Board of Trade shall be conclusive evidence of the amount of such expenses.

4. *Meaning of "special Act."* In this part of this Act, the term "special Act" means a local or local and personal Act, or an Act of a local and personal nature, and includes a provisional order of the Board of Trade confirmed by Act of Parliament and a certificate granted by the Board of Trade under the Railways Construction Facilities Act, 1864.

Order of Board of Trade may be in writing. An order of the Board of Trade for the purposes of this part of this Act, or of any such special Act as is referred to in this part of this Act, may be made by writing under the hand of the President, or of one of the secretaries of the Board.

5. *Repeal of 25 & 36 Vict. c. 18.* The Act of the session of the thirty-fifth and thirty-sixth years of the reign of her present Majesty, chapter eighteen, intitled "An Act for regulating Inquiries by the Board of Trade," is hereby repealed, without prejudice to anything done or suffered under that Act.

PART II.

Reference to Railway Commissioners.

6. *Power of Board of Trade to appoint Railway Commissioners to be arbitrators or umpire.* Where any difference to which a railway company or canal company is a party is required or authorised under the provisions of any general or special Act passed either before or after the passing of this Act, to be referred to the arbitration of or to be determined or settled by the Board of Trade, or some person or persons appointed by the Board of Trade, the Board of Trade may, if they think fit, by order in writing under the hand of the President or one of the secretaries of the Board, refer the matter for the decision of the Railway Commissioners, and appoint them arbitrators or umpire, as the case may be, and thereupon the Commissioners for the time being shall have the same powers as if the matter had been referred to their decision in pursuance of the Regulation of Railways Act, 1873, and also any further powers which the Board of Trade, or an arbitrator or arbitrators, or umpire, appointed by the Board of Trade, would have had for the purpose of the arbitration, if the difference had not been referred to the Commissioners: Provided always, that this section shall not apply to any case in which application is made to the Board of Trade for the appointment of an umpire under the 28th section of "The Lands Clauses Consolidation Act 1845."

7. *Declaration as to powers of Commissioners in arbitrations.* Where any difference is referred for the decision of the Commissioners in pursuance of the Regulation of Railways Act, 1873, as amended by this part of this Act, the Commissioners shall have the same power by their decision of rescinding, varying, or adding to any award or other decision previously made by any arbitrator or arbitrators (including therein the Board of Trade) with reference to the same subject matter as any arbitrator or arbitrators would have had if the difference had been referred to him or them.

8. *Duration, &c., of part of Act and construction with 36 & 37 Vict. c. 48.* This part of this Act shall be construed as one with the Regulation of Railways Act, 1873, and shall continue in force for the same time as that Act and no longer, but the expiration of this part of this Act shall not affect the validity of anything done before such expiration.

The Regulation of Railways Act, 1873, together with this part of this Act, may be cited as the Regulation of Railways Acts, 1873 and 1874.

CAP. XLI.

An Act to amend "The Colonial Attorneys Relief Act."

[30th July, 1874.]

20 & 21 Vict. c. 39.] Whereas by the Colonial Attorneys Relief Act certain provisions are made for regulating the admission of attorneys and solicitors of Colonial Courts in her Majesty's Superior Courts of Law and Equity in England in certain cases, and it is considered just and equitable to amend the said Act:

Be it therefore enacted &c.

1. *Examination and ceasing to practise dispensed with where colonial attorney and solicitor has actually practised for seven years, and passed examination previous to admission.* So much of the Colonial Attorneys Relief Act as enacts that no person shall be deemed qualified to be admitted as attorney or solicitor under the provisions of the said Act unless he shall pass an examination to test his fitness and capacity, and shall further make affidavit that he has ceased for the space of twelve calendar months at the least to practise as attorney or solicitor in any colonial court of law, and also so much of the said Act and of any orders and regulations made thereunder as relate to such examination, shall not apply to nor shall compliance therewith respectively be required of any person seeking to be admitted as attorney or solicitor under the provisions of the said Act who shall have been in actual practice for the period of seven years at the least as attorney and solicitor in any colony or dependency as to which an order in council has been or may be made as mentioned in the said Act, and who shall have served under articles and passed an examination previously to his admission as attorney and solicitor in any such colony or dependency.

2. *Short title.* The expression "The Colonial Attorneys Relief Act" shall henceforth be deemed to include this Act.

CAP. XLII.

An Act to consolidate and amend the Laws relating to Building Societies. [30th July, 1874.]

Whereas it is expedient to consolidate and amend the law relating to building societies.

Be it enacted, &c.

1. *Short title.* This Act may be cited as the Building Societies Act, 1874.

2. *Commencement of Act.* This Act shall commence and take effect on the second day of November, one thousand eight hundred and seventy-four.

3. *Definition of registrar.* The registrar in this Act means (except where otherwise expressed) the registrar for the time being of friendly societies in England, Scotland, or Ireland; as the case may be, who shall, for the purposes of this Act, be the registrar of building societies.

4. *Definition of court.* The court in this Act means,—

In England, the county court of the district in which the chief office or place of meeting for the business of the society is situate;

In Scotland, the sheriff's court of the county in which such office or place of meeting is situate; and

In Ireland, the civil bill court within the jurisdiction of which such office or place of meeting is situate.

5. *Definition of terminating and permanent societies.* A terminating society in this Act means a society which by its rules is to terminate at a fixed date, or when a result specified in its rules is attained; a permanent society means a society which has not by its rules any such fixed date or specified result at which it shall terminate.

6. *Application to Scotland.* In the application of this Act to Scotland the following words and expressions shall have the meanings hereby assigned to them: viz., "freehold estate" shall mean "heritable estate;" "mortgage" shall mean "conveyance or bond and disposition in security;" "letters of administration" shall mean "confirmation."

7. *Repeal of 6 & 7 Will. 4, c. 32.* The Act of the sixth and seventh years of his late Majesty King William the Fourth, chapter thirty-two, intitled "An Act for the Regulation of Benefit Building Societies," is hereby repealed, but this repeal shall not affect any subsisting society certified under the said Act, until such society shall have obtained a certificate of incorporation under this Act; and this repeal shall not affect the past operation of the said Act, or the force or operation, validity or invalidity, of anything done or suffered, or any bond or security given, or any right, title, obligation, or liability accrued, or any proceedings taken thereunder, or under the rules of any society which has been certified thereunder: provided that with regard to such subsisting societies as may not obtain certificates of incorporation under this Act, all things required to be done by or sent to the barrister or advocate and the clerk of the peace under the provisions of the said repealed Act shall be done by or sent to the registrar.

8. *Societies under former Act to continue.*] Every society the rules of which have been certified under the said repealed Act shall be deemed to be a society under this Act, and may obtain a certificate of incorporation under this Act, and thereupon its rules shall, so far as the same are not contrary to any express provisions of this Act, continue in force until altered or rescinded as hereinafter mentioned.

9. *Incorporation of societies.*] Every society now subsisting or hereafter established shall, upon receiving a certificate of incorporation under this Act, become a body corporate by its registered name, having perpetual succession, until terminated or dissolved in manner herein provided, and a common seal.

10. *Enrolments to be sent to registrar.*] On the commencement of this Act all transcripts of the rules of societies certified and enrolled under the said repealed Act which are now filed with the rolls of the sessions of the peace of any county, riding or division, city or borough, liberty or place, shall, on a proper application made for that purpose, be taken off the file and transmitted by the clerk of the peace to the registrar, to be by him kept and registered; and upon such registration every such subsisting society shall be entitled to a certificate of incorporation on application to the registrar.

11. *Where enrolled transcript of rules not transmitted.*] Any society now subsisting, the transcript of the rules of which is not transmitted to the registrar by the clerk of the peace, shall, upon furnishing the registrar with a copy of its rules, purporting to be certified or to be a true copy of rules certified by the barrister under the said repealed Act, authenticated by statutory declaration of the secretary or other officer of the society, as the registrar may require, be entitled to a certificate of incorporation, and such copy of rules shall be by him kept and registered.

12. *Certificate of incorporation how to be granted.*] A certificate of incorporation under this Act shall not be granted to an existing society except upon application to the registrar made by authority of a general meeting of the society specially called for the purpose; and the registrar may require of the person making the application a statutory declaration that such authority was duly given.

13. *Purpose for which societies may be established.*] Any number of persons may establish a society under this Act, either terminating or permanent, for the purpose of raising by the subscriptions of the members a stock or fund for making advances to members out of the funds of the society upon security of freehold, copyhold, or leasehold estate, by way of mortgage; and any society under this Act shall, so far as is necessary for the said purpose, have power to hold land with the right of foreclosure, and may from time to time raise funds by the issue of shares of one or more denominations, either paid up in full or to be paid by periodical or other subscriptions, and with or without accumulating interest, and may repay such funds when no longer required for the purposes of the society. Provided always, that any land to which any such society may become absolutely entitled by foreclosure, or by surrender, or other extinguishment of the right of redemption, shall as soon afterwards as may be conveniently practicable be sold or converted into money.

14. *Limitation of liability of members.*] The liability of any member of any society under this Act in respect of any share upon which no advance has been made shall be limited to the amount actually paid or in arrear on such share, and in respect of any share upon which an advance has been made shall be limited to the amount payable thereon under any mortgage or other security or under the rules of the society.

15. *Power to borrow money.*] With respect to the borrowing of money by societies under this Act, the following provisions shall have effect:

- (1) Any society under this Act may receive deposits or loans, at interest, within the limits in this section provided, from the members or other persons, or from corporate bodies, joint stock companies, or from any terminating building society, to be applied to the purposes of the society:
- (2) In a permanent society the total amount so received on deposit or loan and not repaid by the society shall not at any time exceed two thirds of the amount for

the time being secured to the society by mortgages from its members:

- (3) In a terminating society the total amount so received and not repaid may either be a sum not exceeding such two thirds as aforesaid, or a sum not exceeding twelve months' subscriptions on the shares for the time being in force:
- (4) Any deposits with or loans to a society under this Act, made before the commencement of this Act in accordance with its certified rules, are hereby declared to be valid and binding on the society, but no further deposits or loans shall be received by such society, except within the limits provided by this section:
- (5) Every deposit book or acknowledgment or security of any kind given for a deposit or loan by a society shall have printed or written therein or thereon the whole of the fourteenth and fifteenth sections of the present Act.

16. *Matters to be set forth in the rules.*] The rules of every society hereafter established under this Act shall set forth,—

1. The name of the society, and chief office or place of meeting for the business of the society:
2. The manner in which the stock or funds of the society are to be raised, the terms upon which paid-up shares (if any) are to be issued and repaid, and whether preferential shares are to be issued, and, if so, within what limits, if any; and whether the society intends to avail itself of the borrowing powers contained in this Act, and, if so, within what limits, not exceeding the limits prescribed by this Act:
3. The purposes to which the funds of the society are to be applied, and the manner in which they are to be invested:
4. The terms upon which shares may be withdrawn, and upon which mortgages may be redeemed:
5. The manner of altering and rescinding the rules of the society, and of making additional rules:
6. The manner of appointing, remunerating, and removing the board of directors or committee of management, auditors, and other officers:
7. The manner of calling general and special meetings of the members:
8. Provision for an annual or more frequent audit of the accounts, and inspection by the auditors of the mortgages and other securities belonging to the society:
9. Whether disputes between the society and any of its members, or any person claiming by or through any member, or under the rules, shall be settled by reference to the court, or to the registrar, or to arbitration:
10. Provision for the device, custody, and use of the seal of the society, which shall in all cases bear the registered name thereof:
11. Provision for the custody of the mortgage deeds and other securities belonging to the society:
12. The powers and duties of the board of directors or committee of management and other officers:
13. The fines and forfeitures to be imposed on members of the society:
14. The manner in which the society, whether terminating or permanent, shall be terminated or dissolved.

17. *Rules to be made. Registration of rules.*] The persons intending to establish a society under this Act shall transmit to the registrar two copies of the rules agreed upon by them for the government of the society, signed by three of such persons and by the intended secretary or other officer; and the registrar, if he find that the rules contain all the provisions set forth in section sixteen of this Act, and that they are in conformity with this Act, shall return one copy of the rules to the secretary or other officer of the society, with a certificate of incorporation, and shall retain and register the other copy; provided that no society shall be registered under this Act in a name identical with that in which a subsisting society is already registered, or so nearly resembling the same as to be calculated to deceive, unless such subsisting society is in course of being terminated or dissolved, and consents to such registration. The society

shall supply to any person requiring the same a complete printed copy of the rules, with a copy of the certificate of incorporation appended thereto, and shall be entitled to charge for every such printed copy of rules a sum not exceeding one shilling.

8. *Alteration of rules.*] Any society under this Act, certified previously to the passing of this Act, may alter or rescind any rule or make any additional rule by the vote of three fourths of the members present at a special meeting called for the purpose, of which meeting notice, specifying the proposed alteration, rescission, or addition shall be given to the members in the manner provided by the rules of the society, or in the absence of such rules, by letters sent through the post seven days previous to such meeting; and any society hereafter established may alter or rescind any rule, or make an additional rule, in the manner its rules direct; and every society under this Act altering or rescinding any rule, or making an additional rule, shall forward two copies of every resolution for rescission of a rule, and of every alteration or addition to its rules, signed by three members and the secretary, and a statutory declaration of an officer of the society that the provisions of this section have been complied with, to the registrar, who, if he find that such alteration, addition, or rescission is in conformity with this Act, shall return one of the copies to the secretary or other officer of the society with a certificate of registration, and retain and register the other copy.

19. *Rules may be made to provide forms of conveyance, &c.*] Any society under this Act, in a schedule to its rules, may describe the forms of conveyance, mortgage, transfer, agreement, bond, security for deposit or loan, or other instrument necessary for carrying its purposes into execution.

20. *Evidence of registration.*] Any certificate of incorporation or of registration, or other document relating to a society under this Act, purporting to be signed by the registrar, shall, in the absence of any evidence to the contrary, be received by the court, and by all courts of law and equity and elsewhere, without proof of the signature; and a printed copy of the rules of a society, certified by the secretary or other officer of the society to be a true copy of its registered rules, shall, in the absence of any evidence to the contrary, be received as evidence of the rules.

21. *Rules to be binding on members and others.*] The rules of a society under this Act shall be binding on the several members and officers of the society, and on all persons claiming on account of a member, or under the rules, all of whom shall be deemed and taken to have full notice thereof.

22. *Change of name.*] A society under this Act may change its name by resolution of three fourths of the members present at a meeting called for the purpose, provided that the new name is not identical with that of any society previously registered and still subsisting, or so nearly resembling the same as to be calculated to deceive, unless such subsisting society is in course of being terminated or dissolved, and consents to such registration. Notice of the change of name shall be sent to the registrar and registered by him, and he shall give a certificate of registration. Such change of name shall not affect any right or obligation of the society, or of any member thereof, or other person concerned.

23. *Officers to give security.*] Every officer of a society under this Act having the receipt or charge of any money belonging to the society shall, before taking upon himself the execution of his office, become bound with one sufficient surety at the least, in a bond according to the form set forth in the schedule to this Act, or give the security of a guarantee society, or such other security as the society direct, in such sum as the society require, conditioned for rendering a just and true account of all moneys received and paid by him on account of the society, and for payment of all sums of money due from him to the society at such times as its rules appoint, or as the society require him to do so.

24. *Officers to account.*] Every such officer, his executors or administrators, shall, upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the board of directors or committee of management of the society, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all the moneys remain-

ing in his hands, and deliver all securities and effects, books, papers, and property of the society in his hands or custody, to such person as the society appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys, or to deliver such securities and effects, books, papers, and property, in manner aforesaid, the society may sue upon the bond, or may apply to the court, who may proceed thereupon in a summary way, and make such order thereon as to the court in its discretion shall seem just, which order shall be final and conclusive.

25. *Investment of surplus funds.*] Any society under this Act may from time to time, as the rules permit, invest any portion of the funds of the society not immediately required for its purposes, upon real or leasehold securities, or in the public funds, or in or upon any parliamentary stock or securities, or in or upon any stock or securities payment of the interest on which is guaranteed by authority of Parliament, or in the case of terminating societies, with other societies under this Act; and for the purpose of investments in the public funds or upon security of copyhold or customary estate, the society, or the board of directors or committee of management thereof, may from time to time appoint and remove trustees.

26. *When trustees are absent, &c., registrars may order stock to be transferred.*] When any person in whose name any stock transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others, or solely, as a trustee for any society under this Act, is absent from England or Ireland respectively, or becomes bankrupt, or files any petition or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or if it be unknown whether such person is living or dead, the registrar, on application in writing from the secretary or other officer of the society and three members of the board of directors or committee of management thereof, and on proof satisfactory to him, may direct the transfer of the stock into the name of any other person or persons as trustee or trustees for the society; and such transfer shall be made by the surviving or continuing trustee or trustees, and if there be no such trustee, or if such trustee or trustees shall refuse or be unable to make such transfer, and the registrar shall so direct, then by the Accountant General or Deputy or Assistant Accountant General of the Bank of England or Bank of Ireland, as the case may be; and the Governors and Companies of the Bank of England and Bank of Ireland respectively are hereby indemnified for anything done by them or any of their officers in pursuance of this section against any claim or demand of any person injuriously affected thereby.

27. *Property of the society vested without conveyance.*] All rights of action and other rights, and all estates and interests in real and personal estate whatsoever, now belonging to or held in trust for any society certified under the said repealed Act, shall on the incorporation of the society under this Act, vest in the society without any conveyance or assignment whatsoever, save and except in the case of stocks and securities in the public funds of Great Britain and Ireland, and estates in copyhold or customary hereditaments, the title to which cannot be transferred without admittance.

28. *As to copyholds.*] Where any society under this Act is entitled in equity to any hereditaments of copyhold or customary tenure by way of mortgage, the lord of the manor of which the same are held shall from time to time, if required by the society, admit such persons, not more than three, as the society appoints, to be trustees on its behalf as tenants in respect of such hereditaments, on payment of the usual fines, fees, and other dues payable on the admission of a single tenant, or may admit the society as tenant in respect of the same, on payment of such special fine, or compensation in lieu of fine, and fees as may be agreed upon.

29. *Payment of sums not exceeding £50 when members or depositors die intestate.* Payment to persons appearing to be next of kin declared valid.] If any member of or depositor with a society under this Act having in the funds thereof a sum of money not exceeding fifty pounds shall die intestate, then the amount due may be paid to the person who shall appear to the directors or committee of management of the society to be entitled under the statute of distributions to

receive the same, without taking out letters of administration, upon the society receiving satisfactory evidence of death and a statutory declaration that the member or depositor died intestate, and that the person so claiming is entitled as aforesaid: provided that whenever the society after the decease of any member or depositor has paid any such sum of money to the person who at the time appeared to be entitled to the effects of the deceased under the belief that he had died intestate, the payment shall be valid and effectual with respect to any demand from any other person as next of kin, or as the lawful representative of such deceased member or depositor against the funds of the society, but nevertheless such next of kin or representative shall have his lawful remedy for the amount of such payment as aforesaid against the person who has received the same.

30. *Provision for the case of a member dying intestate leaving an infant heir.* Whenever a member of a society under this Act, having executed a mortgage to the society, shall die intestate, leaving an infant heir or infant coheir, it shall be lawful for the said society, after selling the premises so mortgaged to them, to pay to the administrator or administratrix of the deceased member any money, to the amount of one hundred and fifty pounds, which shall remain in the hands of the said society after paying the amount due to the society and the costs and expenses of the sale, without being required to pay the same into the Post Office Savings Bank, as provided by the Trustees Relief Act, and the Acts amending or extending the same. The said sum of one hundred and fifty pounds to be considered as personal estate, and liable to duty accordingly.

31. *Punishment of fraud in withholding money, &c.* If any person whosever, by false representation or imposition, obtains possession of any moneys, securities, books, papers, or other effects of a society under this Act, or, having the same in his possession, withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society and authorised by this Act, he shall be liable on summary conviction to a penalty not exceeding twenty pounds, with costs not exceeding twenty shillings, and to be ordered to deliver up to the society all such moneys, securities, books, papers, or other effects of the society, and to repay the amount of money applied improperly, and in default of such delivery of effects, or repayment of such amount of money, or payment of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding three months; but nothing herein contained shall prevent any such person from being proceeded against by way of indictment if a conviction has not been previously obtained against him for the same offence under the provisions of this Act.

32. *Proceedings necessary for the termination or dissolution of a society.* A society under this Act may terminate or be dissolved—

1. Upon the happening of any event declared by its rules to be the termination of the society.
2. By dissolution in manner prescribed by its rules.
3. By dissolution with the consent of three fourths of the members, holding not less than two thirds of the number of shares in the society, testified by their signatures to the instrument of dissolution. The instrument of dissolution shall set forth—
 - (a.) the liabilities and assets of the society in detail;
 - (b.) the number of members and the amount standing to their credit in the books of the society;
 - (c.) the claims of depositors and other creditors, and the provision to be made for their payment;
 - (d.) the intended appropriation or division of the funds and property of the society;
 - (e.) the names of one or more persons to be appointed trustees for the special purpose, and their remuneration.

Alterations in the instrument of dissolution may be made with the like consent, testified in the same manner. The instrument of dissolution and all alterations therein shall be registered in the manner provided for the registration of rules, and shall be binding upon all the members of the society.

4. By winding-up, either voluntarily under the supervision of the court or by the court, if the court shall so order, on the petition of any member authorised by three fourths of the members present at a general meeting of the society specially called for the purpose to present the same on behalf of the society, or on the petition of any judgment creditor for not less than fifty pounds, but not otherwise. General orders for regulating the proceedings of the court under this section may be from time to time made by the authority for the time being empowered to make general orders for the court.

Notice of the commencement and termination of every dissolution or winding-up shall be sent to the registrar, and registered by him.

33. *Societies may unite with others, or one society may transfer its engagements to another.* Two or more societies under this Act may unite and become one society, with or without any dissolution or division of the funds of such societies or either of them, or a society under this Act may transfer its engagements to any other such society, upon such terms as shall be agreed upon by three fourths of the members (holding not less than two thirds of the whole number of shares) of each of such societies present at general meetings respectively convened for the purpose; but no such transfer shall prejudice any right of any creditor of either society. Notice of every such union or transfer shall be sent to the registrar, and registered by him.

34. *Determination of disputes by arbitration.* Court may order compliance with the decision of arbitrators. *Determination of disputes by registrar.* Where the rules of a society under this Act direct disputes to be referred to arbitration, arbitrators shall be named and elected in the manner such rules provide, or, if there be no such provision, at the first general meeting of the society, none of the said arbitrators being beneficially interested, directly or indirectly, in its funds; of whom a certain number, not less than three, shall be chosen by ballot in each such case of dispute, the number of the said arbitrators and mode of ballot being determined by the rules of the society; the names of such arbitrators shall be duly entered in the minute book of the society, and, in case of the death or refusal or neglect of any of the said arbitrators to act, the society, at a general meeting, shall name and elect an arbitrator to act in the place of the arbitrator dying, or refusing or neglecting to act; and whatever award shall be made by the arbitrators or the major part of them, according to the true purport and meaning of the rules of the society, shall determine the dispute; and should either of the parties to the dispute refuse or neglect to comply with or conform to such award within a time to be limited therein, the court, upon good, and sufficient proof being adduced of such award having been made, and of the refusal of the party to comply therewith, shall enforce compliance with the same upon the petition of any person concerned. Where the parties to any dispute arising in a society under this Act agree to refer the dispute to the registrar, or where the rules of the society direct disputes to be referred to the registrar, the award of the registrar shall have the same effect as that of arbitrators.

35. *Determination of disputes by court.* The court may hear and determine a dispute in the following cases:

1. If it shall appear to the court, upon the petition of any person concerned, that application has been made by either party to the dispute to the other party, for the purpose of having the dispute settled by arbitration under the rules of the society, and that such application has not within forty days been complied with, or that the arbitrators have refused or for a period of twenty-one days have neglected to make any award.
2. Where the rules of the society direct disputes to be referred to the court or to justices.

36. *Determination to be final.* Every determination by arbitrators or by the court or by the registrar under this Act of a dispute shall be binding and conclusive on all parties, and shall be final to all intents and purposes, and shall not be subject to appeal, and shall not be removed or removable into any court of law, or restrained or restrainable by the injunction of any court of equity: provided always, that the arbitrators, or the registrar, or the court, as the

case may be, may, at the request of either party, state a case for the opinion of the Supreme Court of Judicature on any question of law, and shall have power to grant to either party to the dispute such discovery, as to documents and otherwise, as might now be granted by any court of law or equity, such discovery to be made on behalf of the society by such officer of the society as the arbitrators, registrar, or court may determine.

37. *Buildings for the purpose may be purchased or leased.*] A society under this Act may purchase, build, hire, or take up on lease any building for conducting its business, and may adapt and furnish the same, and may purchase or hold upon lease any land for the purpose only of erecting thereon a building for conducting the business of the society, and may sell, exchange, or let such building, or any part thereof.

38. *Minors may be elected members.*] Any person under the age of twenty-one years may be admitted as a member of any society under this Act, the rules of which do not prohibit such admission, and may give all necessary acquittances; but during his nonage he shall not be competent to vote or hold any office in the society.

39. *Shares may be held by two or more persons.*] Two or more persons may jointly hold a share or shares in any society under this Act; and all shares held jointly by any two or more persons in any society subsisting at the time appointed for the commencement of this Act the rules whereof shall not prohibit such joint holding, shall be deemed to be lawfully so held.

40. *Societies shall make annual audits and statements of the funds to the members.*] The secretary or other officer of every society under this Act shall, once in every year at least, prepare an account of all the receipts and expenditure of the society since the preceding statement, and a general statement of its funds and effects, liabilities and assets, showing the amounts due to the holders of the various classes of shares respectively, to depositors and creditors for loans, and also the balance due or outstanding on their mortgage securities (not including prospective interest), and the amount invested in the funds or other securities; and every such account and statement shall be attested by the auditors, to whom the mortgage deeds and other securities belonging to the society shall be produced, and such account and statement shall be countersigned by the secretary or other officer; and every member, depositor, and creditor for loans shall be entitled to receive from the society a copy of such account and statement, and a copy thereof shall be sent to the registrar within fourteen days after the annual or other general meeting at which it is presented, and another copy thereof shall be suspended in a conspicuous place in every office of the society under this Act.

41. *Exemption from stamp duties.*] No rules of any society under this Act, nor any copy thereof, nor any power, warrant, or letter of attorney granted or to be granted by any person as trustee for the society for the transfer of any share in the public funds standing in his name, nor any receipts given for any dividend in any public stock or fund, or interest of exchequer bills, nor any receipt, nor any entry in any book of receipt, for money deposited in the funds of the society nor for any money received by any member, his executors or administrators, assigns, or attorneys, from the funds of the society, nor any transfer of any share, nor any bond or other security to be given to or on account of the society, or by any officer thereof, nor any order on any officer for payment of money to any member, nor any appointment of any agent, nor any certificate or other instrument for the revocation of any such appointment, nor any other instrument or document whatever required or authorised to be given, issued, signed, made or produced in pursuance of this Act, or of the rules of the society shall be subject or liable to or charged with any stamp duty or duties whatsoever, provided that the exemption shall not extend to any mortgage.

42. *Receipt endorsed on mortgage to be sufficient discharge without re-conveyance.*] When all moneys intended to be secured by any mortgage or further charge given to a society under this Act in England or Ireland have been fully paid or discharged, the society may endorse upon or annex to such mortgage or further charge a re-conveyance of the mortgaged property to the then owner of the equity of redemption, or to such persons and to such uses as he may direct, or a receipt under the seal of the society, countersigned

by the secretary or manager, in the form specified in the schedule to this Act, and such receipt shall vacate the mortgage or further charge or debt, and vest the estate of and in the property therein comprised in the person for the time being entitled to the equity of redemption, without any re-conveyance or re-surrender whatever; and if the said mortgage or further charge has been registered under any Act for the registration or record of deeds or titles, the registrar under such Act, or his deputy or assistant registrar, or the recording officer, as the case may be, or in the case of copyholds or lands of customary tenure, if the mortgage or further charge has been entered on any court rolls, the steward of the manor or his deputy respectively shall, on production of such receipt, verified by oath of any person, make an entry opposite the entry of the charge or mortgage, to the effect that such charge or mortgage is satisfied, and shall grant a certificate either on the said mortgage or charge or separately, to the like effect, which certificate shall be received in evidence in all courts and proceedings without any further proof; and which entry shall have the effect of clearing the register or record of such mortgage; and the registrar or recording officer shall be entitled to a fee of two shillings and sixpence for making the said entry and granting the said certificate, and such fee shall in Ireland be paid by stamps, and applied as the other fees of the Registry of Deeds Office and Record of Title Office are now by law directed to be paid and applied.

43. *Penalties.*] If any society hereafter formed under this Act, or any persons representing themselves to be a society under this Act, commence business without first obtaining a certificate of incorporation under this Act, or if any society under this Act makes default in forwarding to the registrar any returns or information by this Act required, or in inserting in any deposit book or acknowledgment or security for loan the matters required by section fifteen of this Act to be inserted therein, or makes a return wilfully false in any respect, the person or persons by whom business shall have been so commenced, or by whom such default shall have been made, or who shall have made such wilfully false return, shall be liable for every day business is so carried on, or for every such default or false return, upon summary conviction before justices at the complaint of the registrar, to a penalty not exceeding five pounds. If any society under this Act receives loans or deposits in excess of the limits prescribed by this Act, the directors or committee of management of such society receiving such loans or deposits on its behalf shall be personally liable for the amount so received in excess.

44. *Regulations.*] One of her Majesty's Principal Secretaries of State may from time to time make regulations respecting the fees, if any, to be paid for transmission, registration and inspection of documents under this Act, and generally for carrying this Act into effect. The registrar shall give his certificates in the forms contained in the schedule to this Act respectively.

SCHEDULE.

FORM OF BOND.

Know all men by these presents, That we, A.B., of _____, one of the officers of the _____ Building Society, established at _____ in the county of _____ and C.D. of _____ (as surety on behalf of the said A.B.), are jointly and severally held and firmly bound to the said society in the sum of _____ to be paid to the said society, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals. Dated the _____ day of _____ in the year of our Lord _____

Whereas the above-bounden A.B. hath been duly appointed to the office of _____ of the _____ Building Society, established as aforesaid, and he, together with the above-bound C.D. as his surety, have entered into the above-written bond, subject to the condition hereinafter contained.

Now, therefore, the condition of the above-written bond is such that if the said A.B. shall and do render a just and true account of all moneys received and paid by him,

and shall and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property of or belonging to the said society in his hands or custody, to such person or persons as the said society shall appoint, according to the rules of the said society, together with the proper or legal receipts or vouchers for such payments, then the above-written bond shall be void and of no effect, otherwise shall be and remain in full force and virtue.

FORM OF RECEIPT TO BE ENDORSED ON MORTGAGE OR
FURTHER CHARGE.

The Building Society hereby acknowledge to have received all moneys intended to be secured by the within [or above] written deed.

In witness whereof the seal of the society is hereto affixed this day of by order of the board of directors [or committee of management] in the presence of

, Secretary [or Manager]. (L.S.)
[Other witnesses, if any required by the rules of the society.]

FORMS OF CERTIFICATE TO BE GIVEN UNDER THIS ACT.

Certificate of Incorporation.

I, , Registrar of Building Societies in [England, Scotland, or Ireland], hereby certify that the Building Society, established at in the county of , is incorporated under "The Building Societies Act, 1874." Given under my hand this day 18 Registrar of Building Societies.

Certificate of Registration of Alteration of Rules.

I, , Registrar of Building Societies in [England, Scotland, or Ireland], hereby certify that the foregoing alterations of [or addition to] the rules of the Building Society, established at in the county of , are registered under "The Building Societies Act, 1874." Given under my hand this day of 18 Registrar of Building Societies.

Certificate of Registration of Change of Name.

I, , Registrar of Building Societies in [England, Scotland, or Ireland], hereby certify that the registered name of the Building Society, established at in the county of , is changed from the date hereof to the name following: pursuant to "The Building Societies Act, 1874." Given under my hand this day of 18 Registrar of Building Societies.

CAP. XLIII.

An Act to amend the Alkali Act, 1863.

[30th July, 1874]

CAP. XLIV.

An Act to make better provision for improving the health of women, young persons, and children employed in manufactures, and the education of such children, and otherwise to amend the Factory Acts.

[30th July, 1874.]

Whereas it is expedient to make better provision for improving the health of women, young persons, and children employed in manufactures, and the education of such children, and otherwise to amend the Factory Acts:

Be it enacted, &c.

Preliminary.

1. *Short title.* This Act may be cited as the Factory Act, 1874, and together with the Factory Acts, 1833 to 1871, may be cited as the Factory Acts, 1833 to 1874.

2. *Commencement of Act.* This Act shall come into operation on the first day of January, one thousand eight hundred and seventy-five, which day is in this Act referred to as the commencement of this Act.

Hours of Employment and Refreshment.

3. *Period for employment of children, young persons, and women.* The period during which a child, young person, or woman may be employed in a factory to which this Act applies, shall be either the period between the hours of six in the morning and six in the afternoon, or the period between the hours of seven in the morning and seven in the afternoon.

4. *Hours of employment of children, young persons, and women in factory where period from 6 a.m. to 6 p.m.* In every factory to which this Act applies, and in which the period of employment is between the hours of six in the morning and six in the afternoon, the following regulations shall be observed:

1. A child, young person, or woman shall not be employed except between those hours; and
2. A child, young person, or woman shall not be employed continuously for more than four hours and a half without an interval of at least half an hour for a meal; and

(3.) There shall be allowed between the hours of six in the morning and six in the afternoon on every day except Saturday two hours for meals, and of such time one hour at the least shall be before three o'clock in the afternoon; and

(4.) A child, young person, or woman shall not on Saturday,

(a.) If not less than one hour is allowed for meals on that day, be employed in any manufacturing process after one o'clock in the afternoon, or for any purpose whatever after half-past one o'clock in the afternoon; and

(b.) If less than one hour is allowed for meals on that day, be employed in any manufacturing process after half an hour after noon, or for any purpose whatever after one o'clock in the afternoon.

5. *Hours of employment of children, young persons, and women in factory where period from 7 a.m. to 7 p.m.* In every factory to which this Act applies, and in which the period of employment is between the hours of seven in the morning and seven in the afternoon, the following regulations shall be observed:

(1.) A child, young person, or woman shall not be employed except between those hours; and

(2.) A child, young person, or woman shall not be employed continuously for more than four hours and a half without an interval of at least half an hour for a meal; and

(3.) There shall be allowed between the hours of seven in the morning and seven in the afternoon on every day except Saturday two hours for meals, and of such time one hour at the least shall be before three o'clock in the afternoon; and

(4.) A child, young person, or woman shall not be employed on Saturday in any manufacturing process after half-past one o'clock in the afternoon, or for any purpose whatever after two o'clock in the afternoon.

6. *Employment of children in morning and afternoon sets, or on alternate days.* In a factory to which this Act applies the children may be employed either in morning and afternoon sets, or for the whole day on alternate days, and the following regulations shall be observed:

(1.) Where the children are employed in morning and afternoon sets:

(a.) A child who on any day except Saturday is employed before noon, shall not on the same day be employed after one o'clock in the afternoon, or if the hour of dinner be before one o'clock, after such hour of dinner; and

(b.) A child shall not be employed on Saturday in two successive weeks, nor on Saturday in any week if on any other day in the same week he has been employed for more than five hours; and

(c.) 7 & 8 Viet. c. 15, s. 38.] A child employed in the factory shall attend school in manner directed by section thirty-eight of the Fac-

tory Act, 1844; and the provisions of that Act with respect to such attendance and certificates thereof shall apply accordingly; and

(2.) Where the children are employed on alternate days:

(a.) A child may be employed during the same hours, and with the same hours for meals, as young persons and women in a factory; and

(b.) A child shall not be employed in any manner on two successive days; and

(c.) 7 & 8 Vict. c. 15, s. 31.] A child employed in the factory shall attend school in manner directed by section thirty-one of the Factory Act, 1844; and the provisions of that Act with respect to such attendance and certificates thereof shall apply accordingly.

7. *Hours of meals to be simultaneous.*] In a factory to which this Act applies all children, young persons, and women in the factory shall have the time allowed them for meals at the same time of the day, unless some alteration for special cause be allowed in writing by an inspector.

8. *Employment during meal times forbidden.*] In a factory to which this Act applies a child, young person, or woman shall not during any part of the time allowed for any meal be employed in the factory, or allowed to remain in any room in which any manufacturing process is being carried on, and any child, young person, or woman so employed or allowed so to remain shall be deemed to be employed in contravention of the provisions of this Act.

9. *Notices of hours of employment and mode of employment of children.*] The notice of the times of the day for meals required by section twenty-eight of the Factory Act, 1844, to be hung up in the factory shall, in every factory to which this Act applies, specify the hours between which the period of employment in such factory is fixed, and whether children in such factory are to be employed in morning and afternoon sets, or on alternate days.

The period of employment in the factory shall be deemed to be between the hours specified in such notice, and all the children in the factory shall be employed either in sets or on alternate days as may be specified in such notice.

A change in such hours or in the mode of employment of the children shall not be made until after the occupier of the factory has sent written notice of his intention to make such change to the inspector or sub-inspector of the district in which the factory is situate, and shall not be made oftener than once a quarter, unless for special cause, allowed in writing by an inspector.

10. *Abolition of recovery of lost time under 7 & 8 Vict. c. 15, ss. 33 and 34.*] Until the first day of January, one thousand eight hundred and seventy-six, children, young persons, and women may be employed in a factory to which this Act applies in the recovery of lost time in pursuance of the Factory Acts, 1833 to 1856, but after the said first day of January, one thousand eight hundred and seventy-six, in a factory to which this Act applies, a child, young person, or woman shall not be employed in the recovery of lost time in pursuance of the Factory Acts, 1833 to 1856, or any of them, during any hours during which they cannot be employed in pursuance of the other provisions of this Act.

11. *Saving as to youths in lace factories.* 24 & 25 Vict. c. 117, s. 2.] Nothing in this Act shall prevent the employment of youths in lace factories, in manner provided by section two of the Lace Factories Act, 1861:

Provided that where the period of employment in the factory is between the hours of seven in the morning and seven in the afternoon, those hours shall be substituted in that section for the hours of six in the morning and six in the afternoon respectively.

Age of Children.

12. *Extension of age of child to 14, unless educational certificate obtained.*] After the first day of January, one thousand eight hundred and seventy-six, for the purpose of this Act and of the Factory Acts, 1833 to 1856, in the case of a factory to which this Act applies, a person of the age of thirteen years and under the age of fourteen years shall be deemed to be a child, and not a young person, unless he has obtained from a person authorised by the authority herein-after mentioned a certificate of having attained such

standard of proficiency in reading, writing, and arithmetic as may be from time to time prescribed for the purposes of this Act by that authority: provided that any such person who previously to the first day of January, one thousand eight hundred and seventy-six, is lawfully employed in any such factory as a young person, may continue to be so employed in like manner as if this section had not been enacted.

The authority for the purposes of this section shall be—

(a.) In England the Lords of the Committee of the Privy Council on Education;

(b.) In Scotland the Lords of any Committee of the Privy Council appointed by her Majesty on education in Scotland; and

(c.) In Ireland, the Lord Lieutenant of Ireland, with the advice of his Privy Council.

The standard of proficiency so prescribed shall be published in the London, Edinburgh, or Dublin Gazette, according as it is prescribed by the authority in England, Scotland, or Ireland, and shall not have effect until the expiration of at least six months after such publication.

13. *Employment of children under nine or ten in factories.*] In a factory to which this Act applies a child shall not be employed—

(a.) During the year one thousand eight hundred and seventy-five if he is under the age of nine years; or,

(b.) After the expiration of that year if he is under the age of ten years.

Provided that any child who previously to the commencement of the year one thousand eight hundred and seventy-five is lawfully employed in any such factory as a child under the age of nine years, and any child who previously to the commencement of the year one thousand eight hundred and seventy-six is lawfully employed in any factory as a child under the age of ten years may continue to be employed in any factory in like manner as if this section had not been enacted.

14. *Employment of children in silk works.* 13 & 14 Vict. c. 54, s. 7.] The enactments of the Factory Act, 1850, or any previous Act, which authorise the employment of any child in the silk manufacture during longer hours than those authorised in the case of a child in any other factory to which this Act applies, shall be repealed as from the commencement of this Act.

Provided that—

(1.) A child of the age of eleven and under the age of twelve years may be employed in the winding and throwing of raw silk during one year after the commencement of this Act in like manner as if such child were a young person; and

(2.) A child of the age of twelve and under the age of thirteen years may be employed in the winding and throwing of raw silk during two years after the commencement of this Act in like manner as if such child were a young person; and

(3.) Any child who immediately preceding the expiration of two years after the commencement of this Act is lawfully employed in the winding and throwing of raw silk as if he were a young person, may continue to be so employed in like manner as if this section had not been enacted.

Supplemental.

15. *Education of children to be in efficient school.*] After the first day of January, one thousand eight hundred and seventy-six, attendance at a school in England which is not for the time being recognised by the Education Department as giving efficient elementary education shall not in the case of a child employed in a factory to which this Act applies be deemed to be attendance at a school within the meaning of this Act or the Factory Act, 1844: provided that,

(1.) This section shall not apply to a school in any school district within the meaning of the Elementary Education Act, 1870, which has not been declared by the Education Department to be sufficiently provided with public school accommodation within the meaning of that Act:

(2.) This section shall not apply where there is not a school so recognised within the distance of two miles from the factory in which the child is employed.

The Education Department shall make such declaration as above mentioned with respect to every school district which they are satisfied is supplied with sufficient public school accommodation, and shall from time to time publish, in such manner as they think sufficient to give information to all persons interested, lists of the schools for the time being recognised by them as giving efficient elementary education.

This section shall apply to Scotland in like manner as if it were enacted with the substitution of "Scotch Education Department" for "Education Department," of "parish or burgh" for "school district," and of "such school accommodation as is mentioned in sections twenty-seven and twenty-eight of the Education (Scotland) Act, 1872," for public "school accommodation."

16. *Penalty for wrongful employment and breach of Act.*] Any child, young person, or woman who is employed in contravention of the provisions of this Act shall be deemed to be employed in manner contrary to the provisions of the Factory Act, 1833, as amended by the Factory Act, 1844, and any contravention of or failure to comply with the provisions of this Act shall be deemed to be an offence against the Factory Act, 1833, as amended by the Factory Act, 1844, and all the provisions of the Factory Act, 1844, relating to offences, and penalties for offences, shall, as amended by the Factory and Workshop Act, 1871, apply accordingly.

17. *Amendment of 34 & 35 Vict. c. 104, s. 9, as to recovery of penalties in Scotland.*] Section nine of the Factory and Workshop Act, 1871 (which section applies to the recovery of penalties in Scotland only), shall, for the purposes as well of the Acts in this section mentioned as of this Act, be construed as if it contained the following additional provisions: that is to say,

- (1.) It shall be no objection to the competency of any inspector or sub-inspector to give evidence as a witness in any prosecution for offences under the Factory Acts, 1833 to 1871, or the Workshop Acts, 1867 to 1871, or any of them, that such prosecution is brought at the instance of such inspector or sub-inspector;
- (2.) Every person convicted of an offence under the Factory Acts, 1833 to 1871, or the Workshop Acts, 1867 to 1871, or any of them, shall be liable in the reasonable costs and charges of such conviction.

18. *Alteration of forms.*] One of her Majesty's Principal Secretaries of State may direct the forms contained in the schedules to the Factory Act, 1844, and the Lace Factories Act, 1861, and the abstract mentioned in section twenty-eight of the former Act, to be modified in such manner as appears to him necessary for bringing the same into conformity with this Act, and the forms and abstract as so modified shall be sufficient in law.

19. *Definitions.*] In this Act—

"*Factory Acts, 1833-1856.*" The expression "the Factory Acts, 1833 to 1856," means such provisions as are not repealed by this or any other Act of the Acts following; namely,

3 & 4 W. 4, c. 103.] The Factory Act, 1833;

7 & 8 Vict. c. 15.] The Factory Act, 1844, as amended by the Ropeworks Act, 1846; and

19 & 20 Vict. c. 33.] The Factory Act, 1856.

"*Woman.*" The expression "woman" means a woman of the age of eighteen years and upwards.

Other expressions in this Act shall, so far as is consistent with the tenor of this Act, have the same meanings as they have in the Factory Act, 1844.

"*Ropeworks Act.*" The Act of the session of the ninth and tenth years of the reign of her present Majesty, chapter forty, intitled "An Act to declare certain ropeworks not within the operation of the Factory Acts," is in this Act referred to and may henceforth be cited as the Ropeworks Act, 1846.

"*Laceworks Act.*" The Act of the session of the twenty-fourth and twenty-fifth years of the reign of her present Majesty, chapter one hundred and seventeen, intitled "An Act to place the employment of women, young persons, youths, and children in lace factories under the regulations of the Factories Acts," is in this Act referred to and may henceforth be cited as the Lace Factory Act, 1861.

20. *Factory to which the Act applies defined.*] This Act shall apply to the following factories; namely,
A factory as defined by the Factory Acts, 1833 to 1856;
A lace factory as defined by the Lace Factory Act, 1861.

And the expression "factory to which this Act applies" shall in this Act mean only the factories above in this section mentioned.

21. *Repeal of Acts in schedule.*] The Acts specified in the schedule to this Act are hereby repealed, from and after the commencement of this Act, to the extent specified in the third column of that schedule.

Provided that this repeal shall not affect—

- (a.) Anything duly done or suffered under any enactment hereby repealed; or
- (b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or
- (c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
- (d.) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Portions of Acts which have already been specifically repealed are in some instances included in the repeal in this schedule, in order to preclude henceforth the necessity of looking back to previous Acts.

Session and Chapter.	Title or Abbreviated Title.	Extent of Repeal.
3 & 4 Will. 4, c. 103.	An Act to regulate the labour of children and young persons in the mills and factories of the United Kingdom.	Sections three, five, and six, so far as they relate to factories to which this Act applies, and the whole of the remainder of this Act, except the following portions, namely— So much of section one as defines "night," section nine, section eleven down to "remain in any factory or mill," and from "any child who shall not have completed his or her thirteenth year" to the end of the section; section twelve, section fourteen, section sixteen, section seventeen, section eighteen from "all registers, books, entries," down to "such copy as they may think proper," section nineteen down to "under the authority thereof;" so much of section twenty-eight as relates to forgery; section forty-five, section forty-nine, and section fifty.

Session and Chapter.	Title or Abbreviated Title.	Extent of Repeal.
4 & 5 Will. 4, c. 1.	An Act to explain and amend an Act of the last session of Parliament, for regulating the labour of children and young persons in the mills and factories of the United Kingdom.	The whole Act.
7 & 8 Vict. c. 15.	An Act to amend the laws relating to labour in factories.	Section twenty-nine, section thirty, section thirty-one down to "afternoon of any Saturday, provided always that," and from "but it shall not be lawful to employ any child" to the end of the section; section thirty-three; section thirty-four; and section thirty-six, so far as the above sections and parts of sections relate to factories to which this Act applies, and also section one, section two down to "as hereinafter mentioned and that;" section fourteen down to "continue in the same factory, but;" section eighteen down to "hereinafter provided and that;" section twenty-six from "shall be reckoned" down to "in such factory and;" section thirty-five, section forty, section seventy-four, and Schedule D.
10 & 11 Vict. c. 29.	An Act to limit the hours of labour of young persons and females in factories.	The whole Act.
13 & 14 Vict. c. 64.	An Act to amend the Acts relating to labour in factories.	Sections one, three to six, eight and nine, so far as these sections relate to factories to which this Act applies, and the whole of the remainder of the Act.
16 & 17 Vict. c. 104.	An Act further to regulate the employment of children in factories.	The whole Act, so far as it relates to factories to which this Act applies.
27 & 28 Vict. c. 48.	The Factory Acts Extension Act, 1864.	So far as it incorporates any enactment which is wholly repealed by this Act.
30 & 31 Vict. c. 103.	The Factory Acts Extension Act, 1867.	So far as it incorporates any enactment which is wholly repealed by this Act.
33 & 34 Vict. c. 62.	The Factory and Workshop Act, 1870.	So far as it incorporates any enactment which is wholly repealed by this Act.

CAP. XLV.

An Act for altering the Boundaries between the Liberty of St. Alban and the rest of the County of Hertford; and for making better provision for the Transaction of County Business, and the Administration of Justice at Quarter Sessions in that County. [30th July, 1874.]

CAP. XLVI.

An Act to consolidate and amend the Duties of Customs in the Isle of Man. [30th July, 1874.]

CAP. XLVII.

An Act to extend the Powers of Prison Authorities in relation to Industrial and Reformatory Schools, and for other purposes relating thereto. [30th July, 1874.]

Whereas by the Prisons Act, 1865, prison authorities are empowered to borrow money for the purposes of altering, enlarging, new building, or building prisons:

And whereas prison authorities have power by the Industrial Schools Acts, 1866 and 1872, to contribute towards or themselves to undertake the alteration, enlargement, rebuilding, establishment, building, or purchase of the site for any industrial school, and by the Reformatory Schools Acts, 1866 and 1872, to contribute towards or themselves to undertake the alteration, enlargement, rebuilding, establishment, building, or purchase of the site for any reformatory school, but no power is given prison authorities under the said Acts relating to industrial and reformatory schools to borrow money for the purposes of such schools:

Be it enacted, &c.

1. *Short title.* Construction of Act.] This Act may be cited for all purposes as "The Prisons Authorities Act, 1874," and shall be construed, as far as is consistent with the tenor thereof, as follows; that is to say, so far as it relates to industrial schools with the Industrial Schools Acts, 1866 and 1872, and so far as it relates to reformatory schools with the Reformatory Schools Acts, 1866 and 1872.

2. *Power to borrow money for purposes of industrial and reformatory schools.*] Subject to the provisions of "The Elementary Education Act, 1870," any prison authority may, with the approval of one of her Majesty's principal Secretaries of State, borrow money for the purpose of

defraying or contributing towards the expenses of altering, enlarging, rebuilding, establishing, building, or purchasing the site of any industrial or reformatory school under the said Industrial and Reformatory Schools Acts or any of them.

3. *Charge of borrowed moneys.*] Any moneys borrowed by a prison authority under this Act may be charged by that authority on any county rate, or rate in the nature of a county rate, borough rate, or other rate applicable to the maintenance of a prison, and leviable by that authority or on any other property belonging to that authority and applicable to the same purpose as the said rates, and shall be repaid, together with the interest due thereon, out of such rates or other property.

4. *Certain clauses of 10 & 11 Vict. c. 16 as to borrowing money incorporated.*] The clauses of "The Commissioners Clauses Act, 1847," with the exception of the eighty-fourth clause with respect to mortgages to be created by the commissioners, shall form part of and be incorporated with this Act, and any mortgagee or assignee may enforce payment of his principal and interest by appointment of a receiver.

In the construction of the said clauses "the commissioners" shall mean "the prison authority."

Where a prison authority borrow any money under this Act they shall charge the rates or property out of which the moneys borrowed are payable, not only with the interest of the moneys so borrowed, but also with the payment of such further sum as will ensure the repayment of the whole sum borrowed within thirty years.

5. *Special provision as to the county and city of Worcester.*] For the purposes of the said Industrial and Reformatory Schools Acts and this Act the justices of the county of Worcester in quarter sessions assembled shall be deemed to be the prison authority for the county of Worcester at large, and the council of the city of Worcester shall be deemed to be the prison authority for the city of Worcester and county of the same city, anything in the Worcester Prison Act, 1867, or any other Act, notwithstanding.

CAP. XLVIII.

An Act to provide for the payment of Wages without Stoppages in the Hosiery Manufacture.

[30th July, 1874.]

Whereas a custom has prevailed among the employers of

artificers in the hosiery manufacture of letting out frames and machinery to the artificers employed by them, and it is desirable to prohibit such letting of frames and machinery, and the stoppage of wages for frame rents and charges in the hosiery manufacture :

Be it enacted, &c.

1. *Wages to be paid without any stoppages whatever.*] In all contracts for wages the full and entire amount of all wages the earnings of labour in the hosiery manufacture shall be actually and positively made payable in net, in the current coin of the realm, and not otherwise, without any deduction or stoppage of any description whatever, save and except for bad and disputed workmanship.

2. *Contracts to stop wages and for frame rents illegal.*] All contracts to stop wages, and all contracts for frame rents and charges, between employer and artificers, shall be and are hereby declared to be illegal, null, and void.

3. *Penalty for bargaining to deduct and for deducting from wages.*] If any employer shall bargain to deduct, or shall deduct, directly or indirectly, from the wages of any artificer in his employ any part of such wages for frame rent and standing or other charges, or shall refuse or neglect to pay the same or any part thereof in the current coin of the realm, he shall forfeit a sum of five pounds for every offence, to be recovered by the said artificer or any other person suing for the same in the county court in the district where the offence is committed, with full costs of suit.

4. *Penalty for using frame otherwise than for the purpose for which same lent.*] If any frame or machine which shall have been entrusted to any artificer or other person by his employer for the purpose of being used in the hosiery manufacture for such employer, or in any process incident to such manufacture, shall, whilst the same shall be so entrusted, be worked, used, or employed without the consent in writing of such employer or other person so entrusting such frame or machine, in the manufacture of any goods or articles whatever for any other person than the person by whom such frame or machine shall have been so entrusted, then and in every such case the artificer or other person to whom the same shall have been so entrusted shall forfeit and pay the sum of ten shillings for every day on any part of which any such frame or machine shall have been so worked, used, or employed, to be recoverable by and for the benefit of the person who shall have so entrusted the same, in the county court for the district where the offence shall have been committed, with full costs of suit.

5. *No action to be allowed in respect of any such bargaining.*] No action, suit, or set-off between employer and artificer shall be allowed for any deduction or stoppage of wages, nor for any contract hereby declared illegal.

6. *Employer may recover debt due to him from artificer.*] Nothing in this Act contained shall extend to prevent the recovery in the ordinary course of law, by suit brought or commenced for the purpose, of any debt due from the artificer to the employer.

7. *Definition of terms.*] Within the meaning and for the purpose of this Act, all workmen, labourers, and other persons in any manner engaged in the performance of any employment or operation, of what nature soever, in or about the hosiery manufacture, shall be and be deemed "artificers;" and within the meaning and for the purposes aforesaid, all masters, foremen, managers, clerks, contractors, sub-contractors, middlemen, and other persons engaged in the hiring, employment, or superintendence of the labour of any such artificers shall be and be deemed to be "employers;" and, within the meaning and for the purposes of this Act, any money or other thing had or contracted to be paid, delivered, or given as a recompense, reward, or remuneration for any labour done or to be done, whether within a certain time or to a certain amount, or for a time or for an amount uncertain, shall be deemed and taken to be the wages of such labour; and within the meaning and for the purposes aforesaid, any agreement, understanding, device, contrivance, collusion, or arrangement whatsoever on the subject of wages, whether written or oral, whether direct or indirect, to which the employer and artificers are parties or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an obligation on the other of them, shall be and be deemed a "contract."

8. *Commencement of Act.*] This Act shall not commence or take effect till the expiration of three calendar months next after the day of passing the same.

9. *Short title.*] This Act may be cited for all purposes as the Hosiery Manufacture (Wages) Act, 1874.

CAP. XLIX.

An Act to amend the Laws relating to the sale and consumption of Intoxicating Liquors. [30th July, 1874.]

35 & 36 Vict. c. 94.] Whereas it is expedient to amend the Licensing Act, 1872, in this Act referred to as the principal Act :

Be it enacted, &c.

Preliminary.

1. *Construction and short title of Act 35 & 36 Vict. c. 94.*] This Act and this principal Act shall, so far as is consistent with the respective tenors of such Acts, be construed as one Act, and may be cited together as "The Licensing Acts, 1872-1874;" but this Act may, if necessary, be cited separately as "The Licensing Act, 1874."

2. *Commencement of Act.*] This Act shall come into operation as to the provisions relating to hours of closing (not being provisions relating to the grant of early-closing licences), and as to the provision repealing section twenty-four of the principal Act, on the tenth of October, one thousand eight hundred and seventy-four, and not before, and as to the remainder, immediately on the passing of this Act.

Hours of Closing.

3. *Hours of closing premises licensed for sale of intoxicating liquors.*] All premises in which intoxicating liquors are sold by retail shall be closed as follows; (that is to say,)

(1.) If situate within the metropolitan district,—

(a) On Saturday night from midnight until one o'clock in the afternoon on the following Sunday; and

(b) On Sunday night from eleven o'clock until five o'clock on the following morning; and

(c) On all other days from half an hour after midnight until five o'clock on the same morning; and

(2.) If situate beyond the metropolitan district and in the metropolitan police district or in a town or in a populous place as defined by this Act,—

(a) On Saturday night from eleven o'clock until half an hour after noon on the following Sunday; and

(b) On Sunday night from ten o'clock until six o'clock on the following morning; and

(c) On the nights of all other days from eleven o'clock until six o'clock on the following morning; and

(3.) If situate elsewhere than in the metropolitan district or the metropolitan police district or such town or populous place as aforesaid,—

(a) On Saturday night from ten o'clock until half an hour after noon on the following Sunday; and

(b) On Sunday night from ten o'clock until six o'clock on the following morning; and

(c) On the nights of all other days from ten o'clock until six o'clock on the following morning.

Such premises wherever situate shall, save as herein-after mentioned, be closed on Sunday afternoon from three or half-past two, according as the hour of opening shall be one o'clock in the afternoon or half an hour after noon, until six o'clock.

Such premises wherever situate shall be closed on Christmas Day and Good Friday and on the days preceding Christmas Day and Good Friday respectively, as if Christmas Day and Good Friday were respectively Sunday, and the preceding days were respectively Saturday, but this provision shall not alter the hours during which such premises shall be closed on Sunday when Christmas Day immediately precedes or succeeds Sunday.

4. *Exemptions as to theatres repealed.*] An exemption from the above-mentioned hours of closing shall not be granted in respect of premises in the neighbourhood of a theatre, for the accommodation of persons attending the same, and so much of the twenty-sixth section of the principal Act as provides for the granting of an order making such exemption shall be repealed.

5. *Exemptions as to beerhouses.*] The grant of an order of exemption under the said twenty-sixth section, amended as aforesaid, may be made to any person licensed to sell beer or cider by retail, to be consumed upon the premises, as well as to any licensed victualler or licensed keeper of a refreshment house.

Further exemptions as to beerhouses.] The grant of a licence under the twenty-ninth section of the principal Act may be made to any person licensed to sell beer or cider by retail, to be consumed upon the premises, as well as to any licensed victualler or keeper of a refreshment house in which intoxicating liquors are sold.

6. *Power to vary on Sunday afternoon hours of closing premises for sale of intoxicating liquors.*] Notwithstanding anything in this or in any local Act contained, the licensing justices may, if they think fit, as respects premises in which intoxicating liquors are sold, when situate in any place beyond the metropolitan district, for the purpose of accommodating the hours of closing on Sunday, Good Friday, and Christmas Day to the hours of public worship in such place, by order direct that such premises shall remain closed until one o'clock in the afternoon instead of half an hour after noon, and in that case such premises shall be closed in the afternoon from three until six o'clock, instead of from half-past two until six o'clock.

Any order made by the licensing justices under this section shall not come into operation until the expiration of one month after the date thereof, and shall be advertised in such manner as the licensing justices direct, and shall be in force until the same is revoked; the expense of any such advertisement may be defrayed in like manner as the expenses of advertising the sittings of such justices are defrayed.

7. *Early closing licences.*] Where, on the occasion of any application for a new licence, or the removal or renewal of a licence which authorises the sale of any intoxicating liquor for consumption on the premises, the applicant applies to the licensing justices to insert in his licence a condition that he shall close the premises in respect of which such licence is or is to be granted one hour earlier at night than that at which such premises would otherwise have to be closed, the justices shall insert the said condition in such licence.

The holder of a licence in which such condition is inserted (in this Act referred to as an early-closing licence) shall close his premises at night one hour earlier than the ordinary hour at which such premises would be closed under the provisions of this Act, and the provisions of this Act and the principal Act shall apply to the premises as if such earlier hour were the hour at which the premises are required to be closed.

The holder of an early-closing licence may obtain from the Commissioners of Inland Revenue any licence granted by such commissioners which he is entitled to obtain in pursuance of such early-closing licence, upon payment of a sum representing six-sevenths of the duty which would otherwise be payable by him for a similar licence not limited to such early closing as aforesaid. In calculating the six-sevenths fractions of a penny shall be disregarded.

The notice which a licensed person is required by section eleven of the principal Act to keep painted or fixed on his premises, shall, in the case of an early-closing licence, contain such words as the licensing justices may order for giving notice to the public that an early-closing licence has been granted in respect of such premises.

8. *Remission of duty in case of six-day and early closing licence.*] A person who takes out a licence containing conditions rendering such licence a six-day licence, as well as an early-closing licence, shall be entitled to a remission of two-sevenths of the duty.

9. *Penalty for infringing Act as to hours of closing.*] Any person who—

During the time at which premises for the sale of intoxicating liquors are directed to be closed by or in pursuance of this Act, sells, or exposes for sale, in such premises any intoxicating liquor, or opens or keeps open such premises for the sale of intoxicating liquors, or allows any intoxicating liquors, although purchased before the hours of closing, to be consumed in such premises,—

shall for the first offence be liable to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

10. *Saving as to bonâ fide travellers and lodgers.*] Nothing in this Act or in the principal Act contained shall preclude a person licensed to sell any intoxicating liquor to be consumed on the premises from selling such liquor at any time to bonâ fide travellers or to persons lodging in his house: Provided that no person holding a six-day licence shall sell any intoxicating liquor on Sunday to any person whatever not lodging in his house.

Nothing in this Act contained as to hours of closing shall preclude the sale at any time, at a railway station, of intoxicating liquors to persons arriving at or departing from such station by railroad.

If in the course of any proceedings which may be taken against any licensed person for infringing the provisions of this Act or the principal Act, relating to closing, such person (in this section referred to as the defendant) fails to prove that the person to whom the intoxicating liquor was sold (in this section referred to as the purchaser) is a bonâ fide traveller, but the justices are satisfied that the defendant truly believed that the purchaser was a bonâ fide traveller, and further that the defendant took all reasonable precautions to ascertain whether or not the purchaser was such a traveller, the justices shall dismiss the case against the defendant, and if they think that the purchaser falsely represented himself to be a bonâ fide traveller, it shall be lawful for the justices to direct proceedings to be instituted against such purchaser under the twenty-fifth section of the principal Act.

A person for the purposes of this Act and the principal Act shall not be deemed to be a bonâ fide traveller unless the place where he lodged during the preceding night is at least three miles distant from the place where he demands to be supplied with liquor, such distance to be calculated by the nearest public thoroughfare.

11. *Hours of closing night houses.*] Whereas by the Act of the session of the twenty-seventh and twenty-eighth years of the reign of her present Majesty, chapter sixty-four, it is provided that no persons within the limits of that Act shall open or keep open any refreshment house, to which that Act so far as it is unrepealed applies, or sell or expose for sale or consumption in any such refreshment house any refreshments or any article whatsoever between the hours of one and four o'clock in the morning: And whereas it is expedient to amend the provisions of the said Act: Be it therefore enacted, that the said Act, so far as it is unrepealed, shall be construed as if there were substituted therein for the hour of one o'clock in the morning the hour of the night or morning at which premises licensed for the sale of intoxicating liquors by retail, situate in the same place as such refreshment house, are required to be closed, and as if the whole of England were within the limits of the Act, and as if the expression "district" in the Act included any place in which such refreshment house is situate.

Record of Convictions and Penalties.

12. *Mitigation of penalties.*] The sixty-seventh section of the principal Act is hereby repealed, and in lieu thereof be it enacted, that where any person holding a licence under this or the principal Act is convicted of any offence against this or the principal Act, or against any of the Acts recited or mentioned therein, the Court may not, except in the case of a first offence, reduce the penalty to less than twenty shillings, nor shall the penalty, whether of excise or police, be reduced in any case to less than the minimum authorised by any other Act.

13. *Record of convictions on licences.*] Where any licensed person is convicted of any offence against the principal Act which by such Act was to have been or might have been endorsed upon the licence, or of any offence against this Act, the court before whom the offender is brought shall cause the register of licences in which the licence of the offender is entered, or a copy of the entries therein relating to the licence of the offender, certified in manner prescribed by section fifty-eight of the principal Act, to be produced to the court before passing sentence, and after inspecting the entries therein in relation to the licence of the offender, or such copy thereof as aforesaid, the court shall declare, as part of its sentence, whether it will or will not cause the conviction for such

offence to be recorded on the licence of the offender, and if it decide that such record is to be made, the same shall be made accordingly.

A declaration by the court that a record of an offence is to be made on a licence shall be deemed to be part of the conviction or order of the court in reference to such offence and shall be subject accordingly to the jurisdiction of the court of appeal.

A direction by the court that a conviction for an offence is to be recorded on the licence of the offender shall, for the purposes of the principal Act, be deemed equivalent to a direction or requirement by the Act that such conviction is to be recorded; and all the provisions of the principal Act importing that convictions are required or directed by the Act to be recorded on the licence of an offender shall be construed accordingly.

14. *Record of conviction for adulteration.*] Where a licensed person is convicted of any offence against the provisions of any Act for the time being in force relating to the adulteration of drink, such conviction shall be entered in the proper register of licences, and may be directed to be recorded on the licence of the offender, in the same manner as if the conviction were for an offence against this Act, and when so recorded shall have effect as if it had been a conviction for an offence against this Act.

15. *Temporary continuance of licences forfeited for single offences.*] Where any licensed person is convicted for the first time of any one of the following offences,—

1. Making an internal communication between his licensed premises and any unlicensed premises;
2. Forging a certificate under the Wine and Beerhouse Acts, 1869 and 1870;
3. Selling spirits without a spirit licence;
4. Any felony;

and in consequence either becomes personally disqualified or has his licence forfeited, there may be made by or on behalf of the owner of the premises an application to a court of summary jurisdiction for authority to carry on the same business on the same premises until the next special sessions for licensing purposes, and a further application to such next special sessions for the grant of a licence in respect of such premises, and for this purpose the provisions contained in the Intoxicating Liquor Licensing Act, 1828, with respect to the grant of a temporary authority and to the grant of licences at special sessions shall apply as if the person convicted had been rendered incapable of keeping an inn, and the person applying for such grant was his assignee.

Regulations as to entry on Premises.

16. *Constable to enter on premises for enforcement of Act.*] Any constable may, for the purpose of preventing or detecting the violation of any of the provisions of the principal Act or this Act which it is his duty to enforce, at all times enter on any licensed premises, or any premises in respect of which an occasional licence is in force.

Every person who, by himself, or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any constable, in the execution of his duty, demanding to enter in pursuance of this section, shall be liable to a penalty not exceeding for the first offence five pounds and not exceeding for the second and every subsequent offence ten pounds.

17. *Search warrant for detection of liquors sold or kept contrary to law.*] Any justice of the peace, if satisfied by information on oath that there is reasonable ground to believe that any intoxicating liquor is sold by retail or exposed or kept for sale by retail at any place within his jurisdiction, whether a building or not, in which such liquor is not authorised to be sold by retail, may in his discretion grant a warrant under his hand, by virtue whereof it shall be lawful for any constable named in such warrant, at any time or times within one month from the date thereof, to enter, and, if need be, by force, the place named in the warrant, and every part thereof, and examine the same and search for intoxicating liquor found therein, and seize and remove any intoxicating liquor found therein which there is reasonable ground to suppose is in such place for the purpose of unlawful sale at that or any other place, and the vessels containing such liquor; and in the event of the owner or occupier of such premises being convicted of selling by retail or exposing or keeping for sale by retail any liquor which he is not authorised to sell by retail, the intoxicating liquor so seized and the vessels containing such liquor shall be forfeited.

When a constable has entered any premises in pursuance of any such warrant as is mentioned in this section, and has seized and removed such liquor as aforesaid, any person found at the time on the premises shall, until the contrary is proved, be deemed to have been on such premises for the purpose of illegally dealing in intoxicating liquor, and be liable to a penalty not exceeding forty shillings.

Any constable may demand the name and address of any person found on any premises on which he seizes or from which he removes any such liquor as aforesaid, and if he has reasonable ground to suppose that the name or address given is false may examine such person further as to the correctness of such name and address, and may, if such person fail upon such demand to give his name or address, or to answer satisfactorily the questions put to him by the constable, apprehend him without warrant and carry him as soon as practicable before a justice of the peace.

Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false name and address, or gives false information with respect to such name and address, shall be liable to a penalty not exceeding five pounds.

Occasional Licences.

18. *Occasional licence required at fairs and races.*] Any person selling or exposing for sale any intoxicating liquor in any booth, tent, or place within the limits of holding any lawful and accustomed fair or any races without an occasional licence authorising such sale shall, notwithstanding anything contained in any Act of Parliament to the contrary, be deemed to be a person selling or exposing for sale by retail intoxicating liquor at a place where he is not authorised by his licence to sell the same, and be punishable accordingly.

Provided that this section shall not apply to any person selling or exposing for sale intoxicating liquors in premises in which he is duly authorised to sell the same throughout the year, although such premises are situate within the limits aforesaid.

19. *Occasional licences.—extension of time for closing.*] Whereas by the twentieth section of the Act of the session of the twenty-sixth and twenty-seventh years of the reign of her present Majesty, chapter thirty-three, it is provided that the hours during which an occasional licence shall authorise the sale of any beer, spirits, or wine shall extend from sunrise until one hour after sunset: Be it enacted, that the said section shall be construed as if in place of the words "sunrise until one hour after sunset" there were inserted the words "such hour not earlier than sunrise until such hour not later than ten o'clock at night as may be specified in that behalf in the consent given by the justice for the granting of such occasional licence."

20. *Offences on premises with occasional licence.*] For the purpose of so much of the principal Act as relates to offences against public order, that is to say, sections twelve to eighteen, both inclusive, and the sections for giving effect to the same, a person taking out an occasional licence shall be deemed to be a licensed person within the meaning of the said sections, and the place in which any intoxicating liquors are sold in pursuance of the occasional licence shall be deemed to be licensed premises, and to be the premises of the person taking out such licence.

Miscellaneous.

21. *Supply of deficiency in quota of borough justices on joint committee.*] Where from any reason there are not for the time being three qualified borough justices to form the quota of a joint committee for such borough, in pursuance of section thirty-eight of the principal Act, the deficiency in number of such borough justices shall be supplied by qualified county justices to be appointed by the county licensing committee.

22. *Provisional grant and confirmation of licences to new premises.*] Any person interested in any premises about to be constructed or in course of construction for the purpose of being used as a house for the sale of intoxicating liquors to be consumed on the premises, may apply to the licensing justices and to the confirming authority for the provisional grant and confirmation of a licence in respect of such premises; and the justices and confirming authority if satisfied with the plans submitted to them of such house, and that if such premises had been actually constructed in accordance with such plans they would, on application

have granted and confirmed such a licence in respect thereof, may make such provisional grant and order of confirmation accordingly.

A provisional grant and order of confirmation shall not be of any validity until it has been declared to be final by an order of the licensing justices made after such notice has been given as may be required by the justices at a general annual licensing meeting or a special sessions held for licensing purposes. Such declaration shall be made if the justices are satisfied that the house has been completed in accordance with such plans as aforesaid, and are also satisfied that no objection can be made to the character of the holder of such provisional licence.

A provisional grant and confirmation of a licence shall be subject to the same conditions as to the giving of notices and generally as to procedure to which such grant and confirmation would be subject if they respectively were not provisional, with this exception, that where a notice is required to be put up on a door of a house such notice may be put up in a conspicuous position on any part of the premises.

This section shall, with the necessary variations, extend to the provisional removal to any premises of an existing licence under section fifty of the principal Act.

23. *One licence of justices may extend to several excise licences.* Separate licences of justices shall not be required in the case of separate excise licences, and a licence of justices shall comprehend a permission to the licensee to take out as many excise licences as may be specified in such licence of the justices.

24. *Licence to sell liquor not to be consumed on the premises.* A licence to sell any intoxicating liquor for consumption only off the premises shall not require confirmation by any authority.

25. *Joint committee to make rules under s. 43 of principal Act.* Where the confirming authority is a joint committee, that committee shall make rules in pursuance of section forty-three of the principal Act as to the proceedings to be adopted for the confirmation of new licences, and as to the costs of such proceedings, and the persons by whom such costs are to be paid.

26. *Notices of adjourned brevier sessions and of intention to oppose.* Whereas by section forty-two of the principal Act it is enacted that a licensed person applying for the renewal of his licence need not attend in person at the general annual licensing meeting unless he is required by the licensing justices so to attend: Be it enacted, that such requisition shall not be made, save for some special cause personal to the licensed person to whom such requisition is sent.

It shall not be necessary to serve copies of notices of any adjournment of a general annual licensing meeting on holders of licences or applicants for licences who are not required to attend at such adjourned annual general licensing meeting.

A notice of an intention to oppose the renewal of a licence served under section forty-two of the principal Act shall not be valid unless it states in general terms the grounds on which the renewal of such licence is to be opposed.

27. *No appeal to quarter sessions in certain cases.* There shall be repealed so much of section eight of the Wine and Beerhouse Act, 1869, as incorporates or applies any repealed enactment, and no appeal shall be had to quarter sessions from any act of any justice with respect to the grant of new certificates under the Wine and Beerhouse Acts, 1869 and 1870.

28. *Substitution of licensing justices for Commissioners of Inland Revenue as respects certain notices.* Whereas by section eleven of the principal Act it is provided that every licensed person shall cause to be painted or fixed, and shall keep painted or fixed, on the premises in respect of which his licence is granted, in a conspicuous place and in such form and manner as the Commissioners of Inland Revenue may from time to time direct, his name, with such additions as in the said Act mentioned: And whereas it is expedient to substitute in the said section the licensing justices for the Commissioners of Inland Revenue: Be it therefore enacted—

That in the said eleventh section the expression "licensing justices" shall be deemed to be substituted for the expression "Commissioners of Inland Revenue," and the word "justices" for the word "Commissioners."

29. *Definition of term "owner."* Any person possessing an estate or interest in premises licensed for the sale of intoxicating liquors, whether as owner, lessee, or mortgagee, prior or paramount to that of the immediate occupier, shall, on payment of a fee of one shilling to the clerk of the licensing justices, be entitled to be registered as owner or one of the owners of such premises: Provided, that when such estate or interest is vested in two or more persons jointly, one only of such persons shall be registered as representing such estate or interest.

30. *Person not to be liable for supplying liquor to private friends without charge.* No person keeping a house licensed under this or the principal Act shall be liable to any penalty for supplying intoxicating liquors, after the hours of closing, to private friends and *vide* entertained by him at his own expense.

31. *Additional retail licences may be granted at special sessions for licensing.* An additional retail licence to sell beer for consumption (if the premises may be granted at any special sessions for licensing purposes to the holder of a strong beer dealer's wholesale excise licence, in the same manner and subject to the same conditions in and subject to which it might be granted at any general annual licensing meeting.

Definitions and Repeal.

32. *Definitions* In this Act, if not inconsistent with the context, the following expressions have the meanings herein after respectively assigned to them; that is to say,

"The metropolitan district." "The metropolitan district" means the area in that behalf mentioned in the schedule hereto.

"Town." "Town" mean an urban sanitary district as described for the purposes of the Public Health Act, 1872; and any collection of houses adjacent to a town as so defined shall, for the purposes of the provisions of this Act with respect to the closing of premises, be deemed to be part of such town after it has been declared so to be by an order of the county licensing committee having jurisdiction in the place where such houses are situated: Provided that no urban sanitary district, whether including such adjacent houses or not, shall be deemed a town, unless it contains one thousand inhabitants.

"Populous place." "Populous place" means any area with a population of not less than one thousand, which by reason of the density of such population the county licensing committee may by order determine to be a populous place.

At a meeting especially convened for that purpose in manner provided by any regulations in that behalf, or in default of such regulations by the clerk of the peace, as soon as may be after the passing of this Act, and not later than the first day of September one thousand eight hundred and seventy-four, the county licensing committee shall consider all the cases within their jurisdiction with respect to which it is incumbent upon them to make orders in pursuance of this section, and they shall make orders accordingly, and shall specify therein the boundaries of such towns or populous places.

The county licensing committee may adjourn any meeting held in pursuance of this section, and may also at any subsequent meeting especially convened for that purpose make with respect to any town or populous place, within their jurisdiction any like order not restrictive of any order previously made.

Provided that as soon as may be after the publication of each census the county licensing committee shall, at a meeting to be specially convened for the purpose, revise the orders then in force within their jurisdiction, constituting areas either parts of towns or populous places, and may alter or cancel any of the said orders or may make such further orders, if any, as they shall deem necessary to give effect to the provisions of this Act.

"Occasional licence." "Occasional licence" means a licence to sell beer, spirits, or wine granted in pursuance of the thirteenth section of the Act passed in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter twenty-two, and section five of the Act of the twenty-seventh year of the reign of Her present Majesty, chapter eighteen, and the Acts amending the same in relation to the licences therein mentioned, or of any of such Acts.

"A new licence." "A new licence" means a licence for the sale of any intoxicating liquor granted at a general

annual licensing meeting in respect of premises in respect of which a similar licence has not theretofore been granted.

33. *Repeal.*] There are hereby repealed the sections of the principal Act relating to the following matters; that is to say.

- (1.) Sections nineteen to twenty-two, both inclusive, relating to adulteration, and the first schedule to the principal Act;
- (2.) Section twenty-four, relating to hours of closing; and
- (3.) Section thirty-five, relating to entry on premises by constables; and
- (4.) So much of sections five, six, thirteen, fourteen, sixteen, seventeen, and twenty-eight as relates to the records of convictions on licences, and of section seventy-four as contains the definition of a town for the purposes of the provisions with respect to closing and of a new licence.
- (5.) The last paragraph of section fifty-six, beginning with the words "In a county the justices" to the end of the section.

Provided that the repeal enacted in this Act shall not affect—

- (1.) Anything duly done or suffered under any enactment hereby repealed;
- (2.) Any right or privilege acquired or any liability incurred under any enactment hereby repealed;
- (3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence against any enactment hereby repealed.

SCHEDULE.

METROPOLITAN DISTRICT.

The city of London or the liberties thereof, or any parish or place for the time being subject to the jurisdiction of the Metropolitan Board of Works, or within the area contained within a circle the radius of which is four miles from Charing Cross.

CAP. L.

An Act to amend the Married Women's Property Act (1870). [30th July, 1874.]

Whereas it is not just that the property which a woman has at the time of her marriage should pass to her husband, and that he should not be liable for her debts contracted before marriage, and the law as to the recovery of such debts requires amendment:

Be it enacted, &c.

1. *Husband and wife may be jointly sued for her debts before marriage.*] So much of the Married Women's Property Act, 1870, as enacts that a husband shall not be liable for the debts of his wife contracted before marriage is repealed so far as respects marriages which shall take place after the passing of this Act, and a husband and wife married after the passing of this Act may be jointly sued for any such debt.

2. *Extent to which husband liable.*] The husband shall, in such action and in any action brought for damages sustained by reason of any tort committed by the wife before marriage or by reason of the breach of any contract made by the wife before marriage, be liable for the debt or damages respectively to the extent only of the assets hereinafter specified; and in addition to any other plea or pleas may plead that he is not liable to pay the debt or damages in respect of any such assets as hereinafter specified; or, confessing his liability to some amount, that he is not liable beyond what he so confesses; and if no such plea is pleaded the husband shall be deemed to have confessed his liability so far as assets are concerned.

3. *If husband without assets he shall have judgment for costs.*] If it is not found in such action that the husband is liable in respect of any such assets, he shall have judgment for his costs of defence, whatever the result of the action may be against the wife.

4. *Joint and separate judgment against husband and wife for debt.*] When a husband and wife are sued jointly, if by confession or otherwise it appears that the husband is liable for the debt or damages recovered, or any part thereof, the judgment to the extent of the amount for which the husband is liable shall be a joint judgment against the husband and wife, and as to the residue, if any, of such debt

or damages, the judgment shall be a separate judgment against the wife.

5. *Assets for which husband liable.*] The assets in respect of and to the extent of which the husband shall in any such action be liable are as follows:

- (1.) The value of the personal estate in possession of the wife, which shall have vested in the husband;
- (2.) The value of the choses in action of the wife which the husband shall have reduced into possession, or which with reasonable diligence he might have reduced into possession;
- (3.) The value of the chattels real of the wife which shall have vested in the husband and wife;
- (4.) The value of the rents and profits of the real estate of the wife which the husband shall have received, or with reasonable diligence might have received;
- (5.) The value of the husband's estate or interest in any property, real or personal, which the wife in contemplation of her marriage with him shall have transferred to him or to any other person;
- (6.) The value of any property, real or personal, which the wife in contemplation of her marriage with the husband shall with his consent have transferred to any person with the view of defeating or delaying her existing creditors:

Provided that when the husband after marriage pays any debt of his wife, or has a judgment *bonâ fide* recovered against him in any such action as is in this Act mentioned, then to the extent of such payment or judgment the husband shall not in any subsequent action be liable.

6. *Extent of Act.*] This Act shall not extend to Scotland.

7. *Short title.*] This Act may be cited as the "Married Women's Property Act (1870) Amendment Act, 1874."

CAP. LI.

An Act to amend the Law respecting the Proving and Sale of Chain Cables and Anchors. [30th July, 1874.]

CAP. LII.

An Act to make regulations for preventing Collisions in the Sea Channels leading to the River Mersey. [30th July, 1874.]

CAP. LIII.

An Act to amend the Law relating to the payment of Revising Barristers. [30th July, 1874.]

Be it enacted, &c.

1. *Amendment of section 59 of 6 & 7 Vict. c. 18, as to payment of substitutes for revising barristers.*] Whereas doubts have arisen as to whether the provisions of the fifty-ninth section of the Parliamentary Electors Registration Act, 1843, with respect to the payment of barristers appointed to revise any list of voters in addition to the revising barristers originally appointed, apply to the payment of substitutes appointed in case of the death, illness, or absence of any revising barrister, or from any other cause, and it is expedient to remove such doubts, and to provide for the payment of such substitutes:

Be it therefore enacted that—

Where by reason of the death, illness, or absence of any barrister appointed to revise the lists of voters for any county, city or borough, or from any other cause, a barrister is after the passing of this Act appointed to act in the place of the barrister so originally appointed, there shall be paid to him out of the sum which under section fifty-nine of the Parliamentary Electors Registration Act, 1843, would otherwise be payable to the barrister originally appointed, such sum for his remuneration and travelling expenses as to the Lord Chief Justice or judge who appointed him may seem reasonable.

Every barrister so originally appointed, in forwarding to the Commissioners of her Majesty's Treasury his appointment, and the statement of having completed his sittings, shall state whether any barrister has or has not been appointed as above mentioned to act in his place.

2. *Same meanings as in 36 & 37 Vict. c. 70.*] Terms in this Act have the same meaning as in the Revising Barristers Act, 1873.

3. *Extent of Act.*] This Act shall not extend to Scotland or Ireland.

4. *Short titles of Acts.*] This Act may be cited as the Revising Barristers Act, 1874. The Act of the session of the thirty-fifth and thirty-sixth years of the reign of her present Majesty, chapter eighty-four, intituled "An Act to amend the law relating to the appointment of revising barristers," may be cited as the Revising Barristers Act, 1872.

This Act and the Revising Barristers Act, 1872, and the Revising Barristers Act, 1873, may be cited together as the Revising Barristers Acts, 1872 to 1874.

5. *Provisions of Acts in schedule repealed.*] The Acts

specified in the schedule to this Act are hereby repealed from and after the passing of this Act to the extent specified in the third column of that schedule, without prejudice to anything done or suffered before the passing of this Act under the enactments hereby repealed.

6. *Qualification of revising barrister.*] No barrister shall be appointed after the passing of this Act to revise any list of voters for any county, city, or borough in England who is of less than seven years' standing, unless he has been appointed in any year previous to the year one thousand eight hundred and seventy-three to be such revising barrister.

SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
6 & 7 Vict. c. 18.	An Act to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of voting, and to regulate certain proceedings in the election of Members to serve in Parliament for England and Wales.	Section twenty-nine from "Provided always that whenever" to the end of the section, and so much of the rest of the section as relates to the appointment of additional barristers in case of the insufficiency of the number of barristers originally appointed; and section fifty-nine from "Provided always that in the case of any barrister" to the end of the section.
35 & 36 Vict. c. 84.	An Act to amend the Law relating to the appointment of Revising Barristers.	The whole Act.

LIV.

An Act to amend the Law respecting the Liability and Valuation of certain property for the purpose of Rates.

[7th August, 1874.]

Be it enacted, &c.

1. *Short title.*] This Act may be cited as "The Rating Act, 1874."

2. *Extent of Act.*] This Act shall not apply to Scotland or Ireland.

3. *Abolition of certain exemptions from rating.*] Whereas by the Act of the forty-third year of the reign of Queen Elizabeth, chapter two, intituled "An Act for the relief of the poor," it is provided that a poor rate shall be raised in every parish by taxation of, amongst other persons, every occupier of certain hereditaments in such parish; and it is expedient to extend the said Act, and the Act amending the same (which Act and Acts, are in this Act referred to as the Poor Rates Acts), to hereditaments other than those mentioned in the said Act: Be it therefore enacted that,—

From and after the commencement of this Act the Poor Rates Act shall extend to the following hereditaments in like manner as if they were mentioned in the recited Act of the forty-third year of the reign of Queen Elizabeth; that is to say,

- (1.) To land used for a plantation or a wood or for the growth of saleable underwood, and not subject to any right of common;
- (2.) To rights of fowling, of shooting, of taking or killing game or rabbits, and of fishing, when severed from the occupation of the land; and
- (3.) To mines of every kind not mentioned in the recited Act.

4. *Valuation of land used as plantation, &c.*] The gross and rateable value of any land used for a plantation or a wood, or for the growth of saleable underwood, shall be estimated as follows:—

- (a.) If the land is used only for a plantation or a wood, the value shall be estimated as if the land instead of being a plantation or a wood were let and occupied in its natural and unimproved state;
- (b.) If the land is used for the growth of saleable underwood, the value shall be estimated as if the land were let for that purpose;
- (c.) If the land is used both for a plantation or a wood and for the growth of saleable underwood, the value shall be estimated either as if the land were used only for a plantation or a wood, or as if the land were used only for the growth of the saleable underwood growing thereon, as the assessment committee may determine.

5. *Deduction of rate by tenant of plantation, &c.*] Where the rateable value of any land used for a plantation or a wood, or both for a plantation or wood and for the growth of saleable underwood, is increased by reason of the same being estimated in accordance with this Act, the occupier of that land under any lease or agreement made before the commencement of this Act, may, during the continuance of the lease or agreement, deduct from his rent any poor or other local rate, or any portion thereof, which is paid by him in respect of such increase of rateable value, and every assessment committee, on the application of such occupier, shall certify in the valuation list or otherwise the fact and amount of such increase.

6. *Valuation and rating of rights of shooting, &c.*

- (1.) Where any right of following or of shooting or of taking or killing game or rabbits, or of fishing (hereinafter referred to as a right of sporting) is severed from the occupation of the land and is not let, and the owner of such right receives rent for the land, the said right shall not be separately valued or rated, but the gross and rateable value of the land shall be estimated as if the said right were not severed; and in such case if the rateable value is increased by reason of its being so estimated, but not otherwise, the occupier of the land may (unless he has specifically contracted to pay such rate in the event of an increase) deduct from his rent such portion of any poor or other local rate as is paid by him in respect of such increase; and every assessment committee, on the application of the occupier, shall certify in the valuation list or otherwise the fact and amount of such increase.
- (2.) Where any right of sporting, when severed from the occupation of the land, is let, either the owner or the lessee thereof, according as the persons making the rate determine, may be rated as the occupier thereof.
- (3.) Subject to the foregoing provisions of this section the owner of any right of sporting, when severed from the occupation of the land, may be rated as the occupier thereof.
- (4.) For the purposes of this section, the person who, if the right of sporting is not let, is entitled to exercise the right, or who, if the right is let, is entitled to receive the rent for the same, shall be deemed to be the owner of the right.

7. *Gross and rateable value of tin, lead, and copper mines.*] Where a tin, lead, or copper mine is occupied under a lease or leases granted without fine on a reservation wholly or partly of dues or rent, the gross value of the mine shall be taken to be the annual amount of the whole of the dues

payable in respect thereof during the year ending on the thirty-first day of December preceding the date at which the valuation list is made, in addition to the annual amount of any fixed rent reserved for the same which may not be paid or satisfied by such dues.

The rateable annual value of such mine shall be the same as the gross value thereof, except that where the person receiving the dues or rent is liable for repairs, insurance, or other expenses necessary to maintain the mine in a state to command the annual amount of dues or rent, the average annual cost of the repair, insurance, and other expenses for which he is so liable shall be deducted from the gross value for the purpose of calculating the rateable value.

In the following cases, namely,—

1. Where any such mine is occupied under a lease granted wholly or partly on a fine; and
2. Where any such mine is occupied and worked by the owner; and

3. In the case of any other such mine which is not excepted from the provisions of this Act and to which the foregoing provisions of this section do not apply; the gross and rateable annual value of the mine shall be taken to be the annual amount of the dues or dues and rent at which the mine might be reasonably expected to let without fine on a lease of the ordinary duration, according to the usage of the country, if the tenant undertook to pay all tenants' rates and taxes and tithe rentcharge, and also the repairs, insurance, and other expenses necessary to maintain the mine in a state to command such annual amount of dues or dues and rent.

The purser, secretary, and chief managing agent for the time being of any tin, lead, or copper mine, or any of them, may, if the overseers or other rating authority think fit, be rated as the occupier thereof.

In this section—

The term "mine," when a mine is occupied under a lease, includes the underground workings, and the engines, machinery, workshops, tramways, and other plant, buildings (not being dwelling-houses), and works and surface of land occupied in connection with and for the purposes of the mine, and situate within the boundaries of the land comprised in the lease or leases under which the dues or dues and rent are payable or reserved:

The term "dues" means dues, royalty, or toll, either in money or partly in money and partly in kind; and the amount of dues which are reserved in kind means the value of such dues:

The term "lease" means lease or sett, or license to work, or agreement for a lease or sett, or license to work:

The term "fine" means fine, premium, or foregift, or other payment or consideration in the nature thereof.

8. *Deduction of rate by tenant of mine.* Where any poor or other local rate which at the commencement of this Act any lessee, licensee, or grantee of a mine is exempt from being rated to in respect of such mine, becomes payable by him in respect of such mines during the continuance of his lease, grant, or license, or before the arrival of the period at which the amount of the rent, royalty, or dues is liable to revision or re-adjustment, he may (unless he has specifically contracted to pay such rate in the event of the abolition of the said exemption) deduct from any rent, royalty, or dues payable by him, one half of any such rate paid by him:

Provided that he shall not deduct any sum exceeding what one half of the rate in the pound of such poor or other local rate would amount to if calculated upon the rent, royalty, or dues so payable by him.

9. *General provision as to deduction of rates.* Where any occupier, lessee, licensee, grantee, or other person is authorised by this Act to deduct any rate or sum in respect of a rate from any rent, royalty, or dues payable by him, then—

- (1.) Any payment so authorised to be deducted shall be a good discharge for such amount of rent, royalty, or dues as is equal to the amount of such payment, and shall be allowed accordingly.
- (2.) Any payment so authorised to be deducted may be recovered as an ordinary debt from the person to whom the rent, royalty, or dues may be payable.
- (3.) The person receiving the rent, royalty, or dues shall have the same right of appeal and objection with reference to the rate and to the valuation of the hereditament in respect of which the rate is payable

as he would have if he were the occupier of such hereditament.

10. *Liability of property to local rates as well as poor rates.* After the commencement of this Act, the hereditaments to which the Poor Rate Acts are extended by this Act, and which are thus made rateable to the relief of the poor, shall be rateable to all local rates in like manner as if the Poor Rate Acts had always extended to such hereditaments.

11. *Commencement of Act.* This Act, for the purpose of enabling any hereditament to be included in or omitted from or valued for the purposes of a valuation list or a supplemental or provisional valuation list which will come into force after the sixth day of April one thousand eight hundred and seventy-five, shall come into operation on the passing thereof; but save as aforesaid, or as is otherwise expressly provided by this Act, shall come into operation on the sixth day of April one thousand eight hundred and seventy-five; and the expression "commencement of this Act" shall in this Act be construed accordingly.

12. *As to provisions of Sanitary Acts as defined by 35 & 36 Vict. c. 79.* The provisions of the Sanitary Acts, as defined by the Public Health Act, 1872, with respect to any special assessment of wood lands for the purpose of any rate under those Acts shall be deemed to extend to and include land used for a plantation or a wood, or for the growth of saleable underwood, or for both such purposes, and made rateable by this Act to the poor rate.

13. *Saving as to mine where dues payable in kind.* Nothing in this Act shall apply to a mine of which the royalty or dues are for the time being wholly reserved in kind, or to the owner or occupier thereof.

14. *Repeal of 43 Eliz. c. 2. as to saleable underwood.* So much of the Act of the forty-third year of the reign of Queen Elizabeth, chapter two, intitled "An Act for the relief of the poor," as relates to the taxation of an occupier of saleable underwoods, is hereby repealed as from the date at which the provisions of this Act with respect to the taxation of occupiers of land used for the growth of saleable underwood come into operation.

Provided that this repeal shall not affect anything duly done or suffered before the said date, or any right acquired or liability accrued before the said date, or any legal proceeding or remedy in respect of any such right or liability, and every such legal proceeding or remedy may be carried on and enforced in like manner as if this repeal had not been enacted.

15. *Definitions of terms (see sect. 15 of 25 & 26 Vict. c. 103.).* In this Act, unless the context otherwise requires,—

The term "gross value" has the same meaning as gross estimated rental in the Union Assessment Committee Act, 1862:

The term "local rate" means any county rate, borough rate, highway rate, and other local rate leviable upon property rateable to the relief of the poor:

The term "valuation list" means, as regards any parish or place for which there is no valuation list, the poor rate:

The term "assessment committee" means, in relation to any parish or place where there is no assessment committee, the persons having power to make and assess the poor rate in such parish or place.

CAP. LV.

An Act for dissolving Magdalen Hall, in the University of Oxford, and for incorporating the Principal, Fellows, and Scholars of Hertford College; and for vesting in such College the lands and other property now held in trust for the benefit of Magdalen Hall.

[7th August, 1874.]

CAP. LVI.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy-five, and to appropriate the Supplies granted in this Session of Parliament.

[7th August, 1874.]

CAP. LVII.

An Act for the further Limitation of Actions and Suits relating to Real Property.

[7th August, 1874.]

Whereas it is expedient further to limit the times within

which actions or suits may be brought for the recovery of land or rent, and of charges thereon.

Be it enacted, &c.

1. *No land or rent to be recovered but within twelve years after the right of action accrued.*] After the commencement of this Act no person shall make an entry or distress, or bring an action or suit, to recover any land or rent, but within twelve years next after the time at which the right to make such entry or distress, or to bring such action or suit, shall have first accrued to some person through whom he claims; or if such right shall not have accrued to any person through whom he claims, then within twelve years next after the time at which the right to make such entry or distress, or to bring such action or suit, shall have first accrued to the person making or bringing the same.

2. *Provision for case of future estates. Time limited to six years when person entitled to the particular estate out of possession, &c.*] A right to make an entry or distress, or to bring an action or suit, to recover any land or rent, shall be deemed to have first accrued, in respect of an estate or interest in reversion or remainder, or other future estate or interest, at the time at which the same shall have become an estate or interest in possession, by the determination of any estate or estates in respect of which such land shall have been held, or the profits thereof or such rent shall have been received, notwithstanding the person claiming such land or rent, or some person through whom he claims, shall at any time previously to the creation of the estate or estates which shall have determined have been in the possession or receipt of the profits of such land, or in receipt of such rent: But if the person last entitled to any particular estate on which any future estate or interest was expectant shall not have been in the possession or receipt of the profits of such land, or in receipt of such rent, at the time when his interest determined, no such entry or distress shall be made, and no such action or suit shall be brought, by any person becoming entitled in possession to a future estate or interest, but within twelve years next after the time when the right to make an entry or distress, or to bring an action or suit, for the recovery of such land or rent, shall have first accrued to the person whose interest shall have so determined, or within six years next after the time when the estate of the person becoming entitled in possession shall have become vested in possession, whichever of those two periods shall be the longer; and if the right of any such person to make such entry or distress, or to bring any such action or suit, shall have been barred under this Act, no person afterwards claiming to be entitled to the same land or rent in respect of any subsequent estate or interest under any deed, will, or settlement, executed or taking effect after the time when a right to make an entry or distress, or to bring an action or suit, for the recovery of such land or rent, shall have first accrued to the owner of the particular estate whose interest shall have so determined as aforesaid, shall make any such entry or distress, or bring any such action or suit, to recover such land or rent.

3. *In cases of infancy, coverture, or lunacy at the time when the right of action accrues, then six years to be allowed from the termination of the disability or previous death.*] If at the time at which the right of any person to make an entry or distress, or to bring an action or suit, to recover any land or rent, shall have first accrued as aforesaid, such person shall have been under any of the disabilities hereinafter mentioned, (that is to say,) infancy, coverture, idiocy, lunacy, or unsoundness of mind, then such person, or the person claiming through him, may, notwithstanding the period of twelve years, or six years, (as the case may be,) hereinbefore limited shall have expired, make an entry or distress, or bring an action or suit, to recover such land or rent, at any time within six years next after the time at which the person to whom such right shall first have accrued shall have ceased to be under any such disability, or shall have died (whichever of those two events shall have first happened).

4. *No time to be allowed for absence beyond seas.*] The time within which any such entry may be made, or any such action or suit may be brought as aforesaid, shall not in any case after the commencement of this Act be extended or enlarged by reason of the absence beyond seas during all or any part of that time of the person having the right to make such entry, or to bring such action or suit, or of any person through whom he claims.

5. *Thirty years utmost allowance for disabilities.*] No

entry, distress, action, or suit shall be made or brought by any person who at the time at which his right to make any entry or distress, or to bring an action or suit to recover any land or rent, shall have first accrued, shall be under any of the disabilities hereinbefore mentioned, or by any person claiming through him, but within thirty years next after the time at which such right shall have first accrued, although the person under disability at such time may have remained under one or more of such disabilities during the whole of such thirty years, or although the term of six years from the time at which he shall have ceased to be under any such disability or have died, shall not have expired.

6. *In case of possession under an assurance by a tenant in tail, which shall not bar the remainders, they shall be barred at the end of 12 years after that period, at which the assurance, if then executed, would have barred them.*] When a tenant in tail of any land or rent shall have made an assurance thereof which shall not operate to bar the estate or estates to take effect after or in defeasance of his estate tail, and any person shall by virtue of such assurance at the time of the execution thereof, or at any time afterwards, be in possession or receipt of the profits of such land, or in the receipt of such rent, and the same person or any other person whomsoever (other than some person entitled to such possession or receipt in respect of an estate which shall have taken effect after or in defeasance of the estate tail) shall continue or be in such possession or receipt for the period of twelve years next after the commencement of the time at which such assurance, if it had then been executed by such tenant in tail, or the person who would have been entitled to his estate tail if such assurance had not been executed, would, without the consent of any other person, have operated to bar such estate or estates as aforesaid, then, at the expiration of such period of twelve years, such assurance shall be and be deemed to have been effectual as against any person claiming any estate, interest, or right to take effect after or in defeasance of such estate tail.

7. *Mortgagor to be barred at end of 12 years from the time when the mortgagee took possession or from the last written acknowledgment.*] When a mortgagee shall have obtained the possession or receipt of the profits of any land or the receipt of any rent comprised in his mortgage, the mortgagor, or any person claiming through him, shall not bring any action or suit to redeem the mortgage but within twelve years next after the time at which the mortgagee obtained such possession or receipt, unless in the meantime an acknowledgment in writing of the title of the mortgagor, or of his right to redemption, shall have been given to the mortgagor, or some person claiming his estate, or to the agent of such mortgagor or person, signed by the mortgagee or the person claiming through him; and in such case no such action or suit shall be brought but within twelve years next after the time at which such acknowledgment, or the last of such acknowledgments, if more than one, was given; and when there shall be more than one mortgagor, or more than one person claiming through the mortgagor or mortgagors, such acknowledgment, if given to any of such mortgagors or persons, or his or their agent, shall be as effectual as if the same had been given to all such mortgagors or persons; but where there shall be more than one mortgagee, or more than one person claiming the estate or interest of the mortgagee or mortgagees, such acknowledgment, signed by one or more of such mortgagees or persons, shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the mortgage money or land or rent by, from, or under him or them, and any person or persons entitled to any estate or estates, interest or interests, to take effect after or in defeasance of his or their estate or estates, interest or interests, and shall not operate to give to the mortgagor or mortgagors a right to redeem the mortgage as against the person or persons entitled to any other undivided or divided part of the money or land or rent; and where such of the mortgagees or persons aforesaid as shall have given such acknowledgment shall be entitled to a divided part of the land or rent comprised in the mortgage, or some estate or interest therein, and not to any ascertained part of the mortgage money, the mortgagor or mortgagors shall be entitled to redeem the same divided part of the land or rent on payment, with interest, of the part of the mortgage money which shall bear the same proportion to the whole of the mortgage money as the value of such divided part of the land or rent shall bear to the value of the whole of the land or rent comprised in the mortgage.

8. *Money charged upon land and legacies to be deemed satisfied at the end of 12 years if no interest paid nor acknowledgment given in writing in the meantime.* No action or suit or other proceeding shall be brought to recover any sum of money secured by any mortgage, judgment or lien, or otherwise charged upon or payable out of any land or rent, at law or in equity, or any legacy, but within twelve years next after a present right to receive the same shall have accrued to some person capable of giving a discharge for or release of the same, unless in the meantime some part of the principal money, or some interest thereon, shall have been paid; or some acknowledgment of the right thereto shall have been given in writing signed by the person by whom the same shall be payable, or his agent, to the person entitled thereto, or his agent; and in such case no such action or suit or proceeding shall be brought but within twelve years after such payment or acknowledgment, or the last of such payments or acknowledgments, if more than one, was given.

9. *Act to be read with 3 & 4 W. 4. c. 27, of which certain parts are repealed, and other parts to be read in reference to alteration by this Act; 7 W. 4. & 1 Vict. c. 28 to be read with this Act.* From and after the commencement of this Act all the provisions of the Act passed in the session of the third and fourth years of the reign of his late Majesty King William the Fourth, chapter twenty-seven, except those contained in the several sections thereof next hereinafter mentioned, shall remain in full force, and shall be construed together with this Act, and shall take effect as if the provisions hereinbefore contained were substituted in such Act for the provisions contained in the sections thereof numbered two, five, sixteen, seventeen, twenty-three, twenty-eight, and forty respectively (which several sections, from and after the commencement of this Act, shall be repealed), and as if the term of six years had been mentioned instead of the term of ten years, in the section of the said Act numbered eighteen, and the period of twelve years had been mentioned in the said section eighteen instead of the period of twenty years; and the provisions of the Act passed in the session of the seventh year of the reign of his late Majesty King William the Fourth, and the first year of the reign of her present Majesty, chapter twenty-eight, shall remain in full force, and be construed together with this Act, as if the period of twelve years had been therein mentioned instead of the period of twenty years.

10. *Time for recovering charges and for arrears of interest not to be enlarged by express trusts for raising same.* After the commencement of this Act no action, suit, or other proceeding shall be brought to recover any sum of money or legacy charged upon or payable out of any land or rent, at law or in equity, and secured by an express trust, or to recover any arrears of rent or of interest in respect of any sum of money or legacy so charged or payable and so secured, or any damages in respect of such arrears, except within the time within which the same would be recoverable if there were not any such trust.

11. *Short title.* This Act may be cited as the "Real Property Limitation Act, 1874."

12. *Commencement of Act.* This Act shall commence and come into operation on the first day of January one thousand eight hundred and seventy-nine.

CAP. LVIII.

An Act to make further provision respecting the contribution out of moneys provided by Parliament towards the expenses of the Police Force in the Metropolitan Police District, and elsewhere in Great Britain.

[7th August, 1874.]

CAP. LIX.

An Act to facilitate the erection of Dwellings for Working Men on land belonging to Municipal Corporations.

[7th August, 1874.]

Whereas it is expedient to encourage the erection of dwelling-houses suitable for persons employed in manual labour, and to afford increased facilities for the acquisition of sites for such dwelling-houses:

Be it therefore enacted, &c.

1. *Short title.* This Act may be cited as The Working Men's Dwellings Act, 1874.

2. *Extent of Act.* This Act shall not extend to Scotland or Ireland.

3. *Interpretation of terms.* In this Act—

"Corporation" means a municipal corporation for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth (chapter seventy-six) "to provide for the regulation of Municipal Corporations in England and Wales" (in this Act called the Municipal Corporations Act) acting by the council of the borough:

"Working-men's dwellings" means buildings suitable for the habitation of persons employed in manual labour and their families, but so that the use of part of a building for purposes of retail trade or other purposes, approved by a corporation, shall not prevent the building from being deemed a dwelling:

"The Treasury" means the Commissioners of her Majesty's Treasury, or two of them.

4. *Power to annex conditions as to building, &c.* Where a corporation determine that any land belonging to them shall be converted into sites for working men's dwellings, and on a representation to the Treasury of the circumstances of the case, under section ninety-four of the Municipal Corporations Act, obtain the approval of the Treasury to the corporation making for that purpose grants or leases for terms of nine hundred and ninety-nine years, or any shorter term, of parts of that land, then the following provisions shall have effect and apply:

(1) The corporation may make on the land any roads, drains, walls, fences, or other works requisite for converting the same into building land, at an expense not exceeding such sum as the Treasury approve:

(2) The corporation may insert in any grant or lease of any part of the land (in this Act referred to as the site) provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed, and to maintain and repair the building, and prohibiting the division of the site or building, and any addition to or alteration of the character of the building, without the consent of the corporation and for the re-vesting of the site in the corporation, or their re-entry thereon, on breach of any provision in the grant or lease:

(3) Every provision as aforesaid shall be valid in law to all intents, and binding on the parties:

(4) A grant or lease by the corporation of the site, and any subsequent conveyance or assignment thereof, in the respective form set forth in the schedule to this Act, or to the like effect, with such variations and additions as circumstances require, shall be good and effectual in law to all intents; and terms used in those forms shall have the same meaning as in this Act.

5. *As to costs.* All costs and expenses incurred or authorised by a corporation in carrying into execution or otherwise in pursuance of this Act, shall be paid out of the borough fund and borough rate, or by money borrowed by the corporation under the Municipal Corporation Mortgages, &c. Act, 1860.

SCHEDULE.

A.

FORM OF GRANT BY CORPORATION.

The Working Men's Dwellings Act, 1874.

Borough of
Grant No.

The mayor, aldermen, and burgesses of the borough of by virtue and in pursuance of the above-mentioned Act, and in consideration of

paid to them by A.B. of hereby grant to the said A.B. (herein referred to as the grantee) and his heirs, the site following (that is to say) [insert description] with the appurtenances, subject to the following conditions (that is to say):

1. The grantee shall build on the site one working-man's or working-men's dwelling (and no more) according to the plan and specification deposited in the office of the town clerk, numbered , and under the superintendence and to the satisfaction of the corporation.

2. The grantee, his heirs and assigns, shall always maintain and repair the building, and shall not sell or alienate the site or building in divisions or separate part, and, in

case of the taking down or destruction of the building, shall not rebuild it except in manner approved by the corporation.

3. The grantee, his heirs or assigns, shall not add to or alter the character of the building without the consent of the corporation.

4. If at any time the grantee, his heirs or assigns, fail to fully observe and perform any stipulation of this grant, the corporation may, if they think fit, declare that the site is re-vested in the corporation; and thereupon the same, with the dwelling and other buildings thereon, shall become and be vested in the corporation, as if this grant had not been made.

In witness whereof, &c. this day of 187 .
(Corporate Seal.)

B.

FORM OF TRANSFER OF GRANT.

The Working Men's Dwellings Act, 1874.

Borough of Transfer No.

(Grant No.)
A.B., of, by virtue and in pursuance of the above-mentioned Act, and in consideration of paid to him by C.D., of, hereby grants and transfers to the said C.D. and his heirs the site comprised in the within-written (a) grant [or the grant No. under the said Act, dated the day of 187 (b)] with the appurtenances and with the dwelling and other buildings thereon, subject to the conditions on which that site is held immediately before the execution of this transfer.

In witness whereof, &c. this day of 18

A.B. (L.S.)

(a) [In case of transfer by indorsement.] (b) [In case of transfer by separate deed.]

C.

FORM OF LEASE BY CORPORATION.

The Working Men's Dwellings Act, 1874.

Borough of Lease No.

The mayor, aldermen, and burgesses of the borough of by virtue and in pursuance of the above-mentioned Act, and in consideration of the sum of paid to them by A.B. of and of the rent and stipulations in this lease reserved and contained, and to be by him, his executors, administrators, or assigns, paid and performed, hereby lease to the said A.B. (herein referred to as the lessee), his executors, and administrators, the site following (that is to say) [insert description] with the appurtenances for the term of [nine hundred and ninety-nine] years from the day of, at the yearly rent (clear of all deductions) of, payable by two equal half-yearly payments on the day of and the day of in every year, the first thereof to be made on the day of, and the last thereof to be made in advance on the day of next before the end of the term, and so that on the term being determined by re-entry a proportionate part of the rent for the fraction of the current half year up to re-entry be repayable.

And the lessee hereby covenants with the corporation that he, his executors, administrators, or assigns, will during the term pay the rent on the days and in manner aforesaid, and will pay all taxes rates and outgoing for the time being payable by the tenant in respect of the premises.

And this lease is made subject to the following conditions (that is to say):

1. The lessee shall build on the site one working-man's or working-men's dwelling (and no more) according to the plan and specification deposited in the office of the town clerk, and numbered, under the superintendence and to the satisfaction of the corporation.

2. The lessee, his executors, administrators, and assigns, shall always during the term maintain and repair the building, and shall not sell or alienate the site or building in divisions or separate parts, and in case of the taking down or destruction of the building, shall not rebuild it except in manner approved by the corporation.

3. The lessee, his executors, administrators or assigns, shall not add to or alter the character of the building without the consent in writing of the corporation.

4. If at any time the lessee, his executors, administrators or assigns, fail to duly pay the rent hereby reserved, or to

fully observe and perform any stipulation herein contained, the corporation may, if they think fit, re-enter on any part of the site in the name of the whole, and thereupon the term of years shall absolutely cease.

In witness whereof, &c. this day of 187

(Corporate Seal.)

A.B. (L.S.)

D.

FORM OF ASSIGNMENT OF LEASE.

The Working Men's Dwellings Act, 1874.

Borough of Transfer No.

(Lease No.)
A.B. of (herein referred to as the assignor)

by virtue and in pursuance of the above-mentioned Act and in consideration of paid to him by C.D. of, hereby assigns to the said C.D. (herein referred to as the assignee), his executors and administrators, the site comprised in the within-written lease (a) [or the lease No. under the said Act, dated the day of 187 (b)], with the appurtenances, and with the dwelling and other buildings thereon, for the residue of the term of years, at the rent and subject to the stipulations and conditions at and subject to which that site is held immediately before the execution of this assignment.

And the assignee for himself, his executors and administrators, covenants with the assignor, his executors and administrators, that the assignee, his executors or administrators, will pay the yearly rent and observe and perform the stipulations and conditions aforesaid, and will at all times keep the assignor, his executors and administrators, indemnified in respect thereof.

In witness whereof, &c. this day of 187

A.B. (L.S.)

C.D. (L.S.)

(a) [In case of assignment by indorsement.] (b) [In case of assignment by separate deed.]

CAP. LX.

An Act to amend and enlarge the powers of the Acts relating to the Navigation of the River Shannon; and for other purposes relating thereto.

[7th August, 1874.]

CAP. LXI.

An Act for granting Compensation to Officers of the Royal (late Indian) Ordnance Corps.

[7th August, 1874.]

CAP. LXII.

An Act to amend the Law as to the Contracts of Infants.

[7th August, 1874.]

Whereas it is expedient to amend the law as to the contracts of infants, and as to the ratification made by persons of full age of contracts made by them during infancy, and as to necessities:

Be it therefore enacted, &c.,

1. *Contracts by infants, except for necessities, to be void.* All contracts, whether by speciality or by simple contract, henceforth entered into by infants for the repayment of money lent or to be lent, or for goods supplied or to be supplied (other than contracts for necessities), and all accounts stated with infants, shall be absolutely void: Provided always, that this enactment shall not invalidate any contract into which an infant may, by any existing or future statute, or by the rules of common law or equity, enter, except such as now by law are voidable.

2. *No action to be brought on ratification of infant's contract.* No action shall be brought whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification made after full age of any promise or contract made during infancy, whether these shall or shall not be any new consideration for such promise or ratification after full age.

3. *Short title.* This Act may be cited as The Infants Relief Act, 1874.

CAP. LXIII.

An Act to facilitate the re-arrangement of the Boundaries of Archdeaconries and Rural Deaneries.

[7th August, 1874.]

CAP. LXIV.

An Act to further alter and amend the Law of Evidence in Scotland, and to provide for the recording, by means of Short-hand Writing, of Evidence in Civil Causes in Sheriff Courts in Scotland.

[7th August, 1874.]

CAP. LXV.

An Act to enable Her Majesty to provide for the Support and Maintenance of His Royal Highness Prince Leopold George Duncan Albert on his coming of age.

[7th August, 1874.]

CAP. LXVI.

An Act to enlarge the Jurisdiction of the Civil Bill Courts in Ireland in respect to the recovery of Balances due on Partnership Accounts, and in respect of Actions involving Questions of Title to corporeal and incorporeal Hereditaments.

[7th August, 1874.]

Whereas it is expedient to enlarge the jurisdiction of the Civil Bill Courts in Ireland in respect to the recovery of balances due on partnership accounts, and in respect of actions involving questions of title to corporeal or incorporeal hereditaments:

Be it enacted, &c.

1. *Balances of partnership accounts, whether ascertained or not at the time of the issuing process, not exceeding £40, and actions involving title to corporeal or incorporeal hereditaments, may be brought in the civil bill court, but decrees in the latter cases shall not be evidence of title in other actions.* The chairmen of every county in Ireland shall have jurisdiction to try by civil bill actions for the recovery of any debt or demand not exceeding forty pounds alleged to be due as the balance of a partnership account, whether the balance shall have been ascertained or not previous to the issuing of the civil bill; and such chairmen shall in addition to any jurisdiction in respect of lands and hereditaments which they already possess, also have jurisdiction to try by civil bill actions in which the title to any corporeal or incorporeal hereditament shall come in question, when the value of the land in dispute, or in respect of which an easement or licence is claimed, or on, through, over, or under which such easement or licence is claimed, shall not exceed twenty pounds by the year as valued under the Acts relating to the valuation of rateable property in Ireland; but the decision of the chairmen in any action in which the title to any corporeal or incorporeal hereditament shall be in question shall not be evidence of title between the parties or their privies in any other action relating to any other corporeal or incorporeal hereditament, although the same may depend in the whole or in part on the same title: Provided, however, that this section shall not extend to any action in which title to any fish or right of fishing shall come in question.

2. *Proceedings in cases involving title to corporeal or incorporeal hereditaments may be stayed in the civil bill court and ordered to be heard in the superior courts by order of the judge.* The defendant in any civil bill in which the title to a corporeal or incorporeal hereditament shall be in question may, at any time after the service of the civil bill on him, apply to a judge of one of her Majesty's Superior Courts of Common Law in Ireland for a summons to the plaintiff to show cause why such action shall not be tried in one of the Superior Courts of Common Law in Ireland on the ground that the title to lands or hereditaments of greater annual value than twenty pounds as before defined would be affected by the decision in such action, or on any other ground which may make it more proper to have the case tried in any of such Courts; and on the hearing of such summons the judge may, if he think expedient, order, on such terms as he may think proper to impose, that the proceedings in the civil bill court shall be discontinued, and that such action shall be tried in one of the Superior Courts of Common Law in Ireland.

3. *When the Act shall come into force, and how it is to be construed.* This Act shall come into force on the first day of December one thousand eight hundred and seventy-four, and

shall be construed as one Act with the Act of the fourteenth and fifteenth year of her Majesty, chapter fifty-seven, and the several Acts amending or altering the same.

CAP. LXVII.

An Act to regulate and otherwise deal with Slaughter-houses and certain other Businesses in the Metropolis.

[7th August, 1874.]

CAP. LXVIII.

An Act to amend the Law relating to Attorneys and Solicitors.

[7th August, 1874.]

23 & 24 Vict. c. 127. s. 10.] Whereas by Act twenty-three and twenty-four Victoria, chapter one hundred and twenty-seven, intituled "An Act to amend the laws relating to attorneys, solicitors, proctors, and certificated conveyancers" (in this Act referred to as the Act of 1860), it is (section ten) enacted that no person thereafter bound by articles of clerkship to any attorney or solicitor shall, during the term of service mentioned in such articles, hold any office or engage in any employment whatsoever other than the employment of clerk to such attorney or solicitor and his partner or partners (if any) in the business, practice, or employment of an attorney or solicitor save as by the Act six and seven Victoria, chapter seventy-three (in this Act referred to as the Act of 1843), or by the Act of 1860, otherwise provided; and that every person bound as aforesaid shall, before being admitted an attorney or solicitor, prove by the affidavit required under the fourteen section of the Act of 1843 that he has not held any office or engaged in any employment contrary to the enactment now in recital, and that the form of such affidavit as aforesaid shall be varied by such addition thereto as may be necessary for that purpose:

And whereas it is expedient that the restriction contained in the recited enactment should not be enforced in cases in which such consent and sanction as by this Act provided are obtained.

23 & 24 Vict. c. 127. s. 24.] And whereas by the Act of 1860 (section twenty-four) it is further enacted that where the name of any attorney or solicitor is ordered to be struck off the roll of attorneys or solicitors of any court, on his own application or on the application of any other person, the rule or order for that purpose shall forthwith and before the same is acted upon be produced to the registrar of attorneys and solicitors (in this Act referred to as the registrar), and that the registrar shall enter a note or minute of the rule or order in connexion with the name of such attorney or solicitor on the roll of attorneys and solicitors kept by the registrar, and shall strike the name off the roll, and shall mark the rule or order as having been entered:

And whereas it is expedient that where application is intended to be made by any third person to strike the name of any attorney or solicitor off the roll of attorneys or solicitor, of any court notice of the intended application be given to the registrar, and that such power as is in this Act in that behalf contained be conferred upon the registrar in respect thereof:

Be it therefore enacted, &c.

1. *Short title.* This Act may be cited as "The Attorneys and Solicitors Act, 1874."

2. *Extent of Act.* This Act shall extend only to England and Wales.

3. *Interpretation.* All words and expressions to which, by the Act of 1860, meanings are assigned shall have in this Act the same respective meanings.

4. *Exceptions from recited enactment.* The recited enactment (section ten) of the Act of 1860 shall not henceforth apply to cases in which any person bound by articles as therein mentioned shall before or after he enters upon the office, or engages in the employment, have applied for and obtained—

(a.) The consent thereto in writing of the attorney or solicitor to whom he is bound; and

(b.) The sanction thereto of one of the judges of one of the superior courts of law at Westminster, or the Master of the Rolls, or one of the judges of the High Court of Justice, to be evidenced by an order of such judge:

Provided that this section shall apply to the case of any person bound by articles expiring after or not more than two years before the passing of this Act who shall have held any office

or been engaged in any employment during the service under such articles before or after the passing of this Act, and within one year after the passing of this Act, or within one year after the expiration of his articles, shall prove, by an affidavit from the attorney or solicitor to whom he is bound, or by such other evidence as shall be satisfactory to such judge, that the holding of such office, or being engaged in such employment was with the consent of the attorney or solicitor to whom he was or is bound, and has not interfered with due service under such articles, and the judge hearing such application shall have power to make any order which he shall think fit as to the service by the person so bound as aforesaid for the remainder of the term of service of his articles, or any part thereof, after the acceptance of such office, or as to the passing of any examination.

Provided that not less than fourteen days before any such application to a judge is made notice in writing of the application shall be given to the registrar, which notice shall state the names and residences of the applicant, and of the attorney or solicitor to whom he is bound, and the nature of the office or employment, and the time it is expected to occupy.

5. *Judge may attach conditions to order.* Any such judge making any such order may in and by the order impose on the applicant such terms and conditions touching the office or engagement and his employment therein as such judge thinks fit.

6. *Proof of compliance with conditions.* Where any terms or conditions shall be so imposed, and the person authorised by the order shall accept the office, or engage in the employment, he shall, before being admitted an attorney or solicitor, prove to the satisfaction of a judge of one of the superior courts of law at Westminster, or the Master of the Rolls, or one of the judges of the High Court of Justice, and of the examiners for the time being appointed under the provisions of the Act of 1860, or of any Act amending the same, to examine persons applying to be admitted as attorneys and solicitors, that he has duly observed and fulfilled those terms and conditions.

7. *Notice to be given to registrar of applications to strike names of attorneys or solicitors off the roll.* Where application is intended to be made to any court for an order or rule to strike the name of any attorney or solicitor (not being an attorney or solicitor making the application) off the roll of attorneys or solicitors of such court or for an order or rule to compel him to answer the matters of an affidavit, notice in writing shall be given to the registrar of such intended application fourteen clear days at the least before such application shall be made.

8. *Copies of affidavits to accompany notice.* Copies of all affidavits intended to be used in support of such application shall be delivered to the registrar with the notice.

9. *Court not to entertain application except on proof of notice, &c.* The court shall not entertain any such application, except upon production of an affidavit proving that the notice required by this Act has been duly given, and that copies of all such affidavits have been duly delivered to the registrar.

10. *Registrar may appear on application, &c.* The registrar may appear by counsel upon the hearing of any such application, and upon any other proceedings arising out of or in reference to the application, and may apply to the court to make absolute any rule nisi which may have been granted by the court in the matter of such application, or to make an order that the name of the attorney or solicitor be struck off the roll of attorneys or solicitors of the said court, or, as the case may be, to order the attorney or solicitor to answer the matters of the affidavit, or such other order as to the court may seem fit; and it shall be lawful for the court to order the costs, charges, and expenses of the registrar or of relating to any of the matters aforesaid, to be paid by the attorney or solicitor against whom any such application is made or was intended to be made, or by the person by or on whose behalf the application is made or was intended to be made, or partly by the one and partly by the other of them.

11. *Registrar may draw up rules and orders not drawn up by applicants.* Where any court or any judge of any court shall, upon motion, have ordered or directed a rule (whether nisi or absolute) or order to be drawn up for striking the name of any attorney or solicitor off the roll of attorneys or solicitors of such court, or for compelling an attorney or solicitor to answer the matters of an affidavit, and such rule shall not have been drawn up by or on behalf of the person applying

for the same within one week after the order or direction for drawing up the same shall have been made or given, it shall be lawful for the registrar to cause the rule or order to be drawn up, and all future proceedings thereupon shall be had and taken as if the application for the rule or order had in the first instance been made to the court by the registrar.

12. *Penalty for wrongfully acting as attorney or solicitor.* Any person who wilfully and falsely pretends to be or takes or uses any name, title, addition, or description implying that he is duly qualified to act as an attorney or solicitor, or that he is recognised by law as so qualified, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding the sum of ten pounds for each such offence.

No costs recoverable by disqualified attorney or solicitor. No costs, fee, reward, or disbursement on account of or in relation to any act or proceeding done or taken by any person who acts as an attorney or solicitor, without being duly qualified so to act, shall be recoverable in any action, suit, or matter by any person or persons who soever.

Who to be deemed qualified. For the purposes of this section, a person shall be deemed to be duly qualified to act as an attorney or solicitor if he shall have in force at the time at which he acts as an attorney or solicitor a duly stamped certificate authorising him so to do, pursuant to the provisions of the Stamp Laws and the laws for the time being relating to attorneys and solicitors, or shall have been appointed to be Solicitor of the Treasury, Customs, Inland Revenue, Post Office, or any other branch of her Majesty's Revenue, or of any public department, including the department of the Ecclesiastical Commissioners, and of the Governors of Queen Anne's Bounty, or if he be a clerk or officer appointed to act for the solicitor for any public department as hereinbefore described.

Offence may be prosecuted before a court of summary jurisdiction. Any offence under this Act may be prosecuted before a court of summary jurisdiction, in manner provided by the Summary Jurisdiction Acts: Provided always, that the court of summary jurisdiction, when hearing, trying, determining, and adjudging an information or complaint in respect of an offence under this Act, shall be constituted either of two or more justices of the peace in petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

CAP. LXIX.

An Act to amend the Laws relating to the sale and consumption of Intoxicating Liquors in Ireland.

[7th August, 1874.]

CAP. LXX.

An Act to amend the Law relating to the Valuation of Rateable Property in Ireland.

[7th August, 1874.]

CAP. LXXI.

An Act to authorise "The Lough Corrib Navigation Trustees" to dispose of part of the Navigation in the district of Loughs Corrib, Mask, and Curra.

[7th August, 1874.]

CAP. LXXII.

An Act to explain and amend the Fines Act (Ireland), 1851, and for other purposes relating thereto.

[7th August, 1874.]

CAP. LXXIII.

An Act to amend the Law relating to the Payment to and Repayment by the Commissioners for the Reduction of the National Debt of Moneys received in and to the accounts relating to the Post Office Savings Bank.

7th August, 1874.

CAP. LXXIV.

An Act to amend the Law respecting certain Receipts and Expenses connected with Private Lunatic Asylums in Ireland.

[7th August, 1874.]

CAP. LXXV.

An Act to explain the Vaccination Act, 1871.

[7th August, 1874.]

34 & 35 Vict. c. 98, s. 5.] Whereas by section five of the Vaccination Act, 1871, it is enacted, amongst other things, that, subject to the provisions of that Act, the Local Government Board shall have the same powers with respect to guardians and vaccination officers in matters relating to vaccination as they have with respect to guardians and officers of guardians in matters relating to the relief of the poor, and may make rules, orders, and regulations accordingly:

And whereas doubts are entertained whether the Local Government Board are empowered under the said Act to make rules, orders, and regulations with respect to the proceedings to be taken by the guardians or their officers for the enforcement of the provisions of the Vaccination Acts, 1867 and 1871:

Be it therefore enacted, &c.

1. *Rules under 34 & 35 Vict. c. 98, to extend to proceedings and expenses.*] The powers conferred by the said recited section shall be deemed to extend to and include the making of rules, orders, and regulations prescribing the duties of guardians and their officers in relation to the institution and conduct of the proceedings to be taken for enforcing the provisions of the said Acts, and the payment of the costs and expenses relating thereto, and rules, orders, and regulations under this Act shall be deemed to be made under the said section.

2. *Short title.*] This Act may be cited as The Vaccination Act, 1874.

CAP. LXXVI.

An Act to continue various expiring Laws.

[7th August, 1874.]

CAP. LXXVII.

An Act respecting Colonial and certain other Clergy.

[7th August, 1874.]

Whereas by divers Acts of Parliament certain disabilities are imposed on persons ordained by bishops not being bishops of the United Church of England and Ireland:

And whereas by an Act passed in the thirty-second and thirty-third years of her present Majesty, chapter forty-two, it is enacted that the union created by Act of Parliament between the churches of England and Ireland shall be dissolved, and that enactments relating to the said United Church shall be read distributively in respect of the Church of England and the Church of Ireland:

And whereas it is desirable to amend the law respecting persons having been ordained by bishops, not being bishops of either of the said separate churches or of the said United Church, hereinafter collectively called "the churches aforesaid."

Be it therefore enacted, &c.

1. *Short title.*] This Act may be cited as The Colonial Clergy Act, 1874.

2. *Repeal of enactments in Schedule A.*] The enactments enumerated in Schedule A. annexed to this Act are repealed, but not so as to render invalid anything lawfully done in conformity with any of them.

3. *Colonial and certain other clergy not to officiate without permission from the archbishop.*] Except as hereinafter mentioned, no person who has been or shall be ordained priest or deacon, as the case may be, by any bishop other than a bishop of a diocese in one of the churches aforesaid shall, unless he shall hold or have previously held preferment or a curacy in England, officiate as such priest or deacon in any church or chapel in England, without written permission from the archbishop of the province in which he proposes to officiate, and without also making and subscribing so much of the declaration contained in "The Clerical Subscription Act, 1865," as follows (that is to say):

"I assent to the Thirty-nine Articles of Religion, and to the Book of Common Prayer, and of the ordering of bishops, priests, and deacons. I believe the doctrine of the Church of England as therein set forth to be agreeable to the Word of God; and in public prayer and administration of the sacra-

ments, I, whilst ministering in England, will use the form in the said Book prescribed and none other, except so far as shall be ordered by lawful authority."

4. *Not to hold preferment nor act as curates without consent of bishop.*] Except as hereinafter mentioned, no person who has been or shall be ordained priest or deacon, as the case may be, by any bishop other than a bishop of a diocese in one of the churches aforesaid, shall be entitled as such priest or deacon to be admitted or instituted to any benefice or other ecclesiastical preferment in England, or to act as curate therein, without the previous consent in writing of the bishop of the diocese in which such preferment or curacy may be situate.

5. *As to licence.*] Any person holding ecclesiastical preferment, or acting as curate in any diocese in England under the provisions of this Act, may, with the written consent of the bishop of such diocese, request the archbishop of the province to give him a licence in writing under his hand and seal in the following form; that is to say,

"To the Rev. A.B.,

"We, C., by Divine Providence archbishop of D., do hereby give you, the said A.B., authority to exercise your office of priest (or deacon) according to the provisions of an Act of the thirty-seventh and thirty-eighth years of her present Majesty, intitled 'An Act respecting Colonial and certain other Clergy.'

Given under our hand and seal on the _____ day of _____ C. (L.S.) D."

And if the archbishop shall think fit to issue such licence, the same shall be registered in the registry of the province, and the person receiving the licence shall thenceforth possess all such rights and advantages, and be subject to all such duties and liabilities, as he would have possessed and been subject to if he had been ordained by the bishop of a diocese in England: Provided that no such licence shall be issued to any person who has not held ecclesiastical preferment or acted as curate for a period or periods exceeding in the aggregate two years.

6. *Appointments, &c. contrary to Act, void.*] All appointments, admissions, institutions or inductions to ecclesiastical preferment in England, and all appointments to act as curate therein, which shall hereafter be made contrary to the provisions of this Act, shall be null and void.

7. *Penalty for officiating contrary to Act.*] If any person shall officiate as priest or deacon in any church or chapel in England contrary to the provisions of this Act, or if any bishop not being bishop of a diocese in England shall perform episcopal functions in any such church or chapel without the consent in writing of the bishop of the diocese in which such church or chapel is situate, he shall for every such offence forfeit and pay the sum of ten pounds to the Governor of Queen Anne's Bounty, to be recovered by action brought within six months after the commission of such offence by the treasurer of the said Bounty in one of her Majesty's Superior Courts of Common Law; and the incumbent or curate of any church or chapel who shall knowingly allow such offence to be committed therein shall be subject to a like penalty, to be recovered in the same manner.

8. *Persons ordained under 15 & 16 Vict. c. 52, exempt.*] Any person ordained a priest or deacon in pursuance of such request and commission as are mentioned in an Act of the fifteenth and sixteenth years of her present Majesty, chapter fifty-two, shall, for the purposes of this Act, be deemed to have been so ordained by the bishop of a diocese in England, and it shall not be necessary that the bishop to whom such commission shall have been given should have exercised his office within her Majesty's dominions, or by virtue of her Majesty's Royal Letters Patent, provided that such bishop be a bishop in communion with the Church of England; and such commission shall not become void by the death of the grantor until after seven days: Provided always, that any such act of ordination by any such bishop as aforesaid shall be subject to the same laws and provisions as to the titles and as to the oaths and subscriptions of the persons to be ordained, and as to the registration of such act, as if it had been performed by the bishop of the diocese; and that the letters of orders of any persons so ordained by any such bishop shall be issued in the name of, and be subscribed with the signature of such bishop as commissary of the bishop of the diocese, and shall be sealed with the seal of the bishop of such diocese.

9. *Persons ordained under 24 Geo. 3, sess. 2, c. 35, or 59 Geo. 3, s. 60, s. 1, subject to Act.* Any person ordained a deacon or priest under the provisions of an Act of the second session of the twenty-fourth year of King George the Third, chapter thirty-five, or under the first section of an Act of the fifty-ninth year of King George the Third, chapter sixty, shall be subject to the provisions contained in this Act.

10. *Contrariety to certain enactments not to invalidate admissions to ecclesiastical preferments, &c.* No admission, institution, induction, or appointment to any benefice or other ecclesiastical preferment within her Majesty's dominions, nor any appointment to act as curate therein, nor any ministerial act performed by any person as priest or deacon of any of the churches aforesaid, shall be or be deemed to have been invalid at law by reason of its contrariety to any of the enactments set forth in Schedule B. to this Act annexed, unless its validity shall be inconsistent with the validity of some act, matter, or thing lawfully done before the passing of this Act.

11. *Saving of 27 & 28 Vict. c. 94.* Nothing in this Act contained shall alter or affect any of the provisions of an Act of the twenty-seventh and twenty-eighth years of her present Majesty, chapter ninety-four, intituled "An Act to remove disabilities affecting the bishops and clergy of the Protestant Episcopal Church in Scotland."

12. *Archbishops may dispense with oath of due obedience.* It shall be lawful for the archbishop of Canterbury or the archbishop of York for the time being, in consecrating any person to the office of bishop for the purpose of exercising episcopal functions elsewhere than in England, to dispense if he think fit with the oath of due obedience to the archbishop.

13. *Indian bishops.* Nothing contained in an Act of the fifty-third year of King George the Third, chapter one hundred and fifty-five or in an Act of the third and fourth years of King William the Fourth, chapter eighty-five, or in any letters patent issued as mentioned in the said Acts, or either of them, shall prevent any person who shall be or shall have been bishop of any diocese in India from performing episcopal functions, not extending to the exercise of jurisdiction, in any diocese or reputed diocese at the request of the bishop thereof.

14. *Interpretation of terms.* In this Act the word "bishop" shall, when not inconsistent with the context, include archbishop; the words "bishop" and "archbishop," in the matters of "permission" and "consent," and of "consent and licence," shall include the lawful commissary of a bishop or an archbishop; the word "England" shall include the Isle of Man and the Channel Islands; and the term "church or chapel" shall mean church or chapel subject to the ecclesiastical law of the Church of England.

SCHEDULE A.

Date of Act.	Title of Act.	Extent of Repeal.
24 Geo. 3, sess. 2, c. 35.	An Act to empower the Bishop of London for the time being, or any other bishop to be by him appointed, to admit to the order of deacon or priest persons being subjects or citizens of countries out of his Majesty's dominions, without requiring them to take the oath of allegiance as appointed by law.	Section two.
26 Geo. 3, c. 84.	An Act to empower the Archbishop of Canterbury or the Archbishop of York for the time being to consecrate to the office of a bishop persons being subjects or citizens of countries out of his Majesty's dominions.	So far as the same is in force in any part of her Majesty's dominions out of the United Kingdom.
59 Geo. 3, c. 60.	An Act to permit the Archbishops of Canterbury and York and the Bishop of London for the time being to admit persons into holy orders specially for the colonies.	Sections two, three, four, and five.
3 & 4 Vict. c. 23.	An Act to make certain provisions and regulations in respect to the exercise within England and Ireland of their office by the bishops and clergy of the Protestant Episcopal Church in Scotland, and also to extend such provisions and regulations to the bishops and clergy of the Protestant Episcopal Church in the United States of America, and also to make further regulations in respect to bishops and clergy other than those of the United Church of England and Ireland.	The whole.
5 Vict. c. 6.	An Act to amend an Act made in the twenty-sixth year of the reign of his Majesty King George the Third, intituled "An Act to empower the Archbishop of Canterbury or the Archbishop of York for the time being to consecrate to the office of a bishop persons being subjects or citizens of countries out of His Majesty's dominions."	Section four.

SCHEDULE B.

ENACTMENTS REFERRED TO IN CLAUSE TEN OF THIS ACT.

Date of Act.	Title.	Section.
24 Geo. 3, sess. 2, c. 35.	An Act to empower the Bishop of London for the time being, or any other bishop to be by him appointed, to admit to the order of deacon or priest persons being subjects or citizens of countries out of his Majesty's dominions without requiring them to take the oath of allegiance as appointed by law.	Section two.
26 Geo. 3, c. 84.	An Act to empower the Archbishop of Canterbury or the Archbishop of York for the time being to consecrate to the office of a bishop persons being subjects or citizens of countries out of his Majesty's dominions.	Section three.
59 Geo. 3, c. 60.	An Act to permit the Archbishops of Canterbury and York and the Bishop of London for the time being to admit persons into holy orders specially for the colonies.	Sections two, three, four, five.
3 & 4 Vict. c. 23.	An Act to make certain provisions and regulations in respect to the exercise within England and Ireland of their office by the bishops and clergy of the Protestant Episcopal Church in Scotland; and also to extend such provisions and regulations to the bishops and clergy of the Protestant Episcopal Church in the United States of America; and also to make further regulations in respect to bishops and clergy other than those of the United Church of England and Ireland.	Sections six, seven.

Date of Act.	Title of Act.	Extent of Repeal.
5 Vict. c. 6.	An Act to amend an Act made in the twenty-sixth year of the reign of his Majesty King George the Third, intituled "An Act to empower the Archbishop of Canterbury or the Archbishop of York for the time being to consecrate to the office of a bishop persons being subjects or citizens of countries out of his Majesty's dominions."	Section four.

CAP. LXXVIII.

An Act to amend the Law of Vendor and Purchaser, and further to simplify Title to Land. [7th August, 1874,

Whereas it is expedient to facilitate the transfer of land by means of certain amendments in the law of vendor and purchaser:

Be it enacted, &c.

1. *Forty years substituted for sixty years as the root of title.*] In the completion of any contract of sale of land made after the thirty-first day of December one thousand eight hundred and seventy-four, and subject to any stipulation to the contrary in the contract, forty years shall be substituted as the period of commencement of title which a purchaser may require in place of sixty years, the present period of such commencement; nevertheless earlier title than forty years may be required in cases similar to those in which earlier title than sixty years may now be required.

2. *Rules for regulating obligations and rights of vendor and purchaser.*] In the completion of any such contract as aforesaid, and subject to any stipulation to the contrary in the contract, the obligations and rights of vendor and purchaser shall be regulated by the following rules; that is to say,

First. Under a contract to grant or assign a term of years, whether derived or to be derived out of a freehold or leasehold estate, the intended lessee or assign shall not be entitled to call for the title to the freehold.

Second. Recitals, statements, and descriptions of facts, matters, and parties contained in deeds, instruments, Acts of Parliament, or statutory declarations twenty years old at the date of the contract, shall, unless and except so far as they shall be proved to be inaccurate, be taken to be sufficient evidence of the truth of such facts, matters, and descriptions.

Third. The inability of the vendor to furnish the purchaser with a legal covenant to produce and furnish copies of documents of title shall not be an objection to title in case the purchaser will, on the completion of the contract, have an equitable right to the production of such documents.

Fourth. Such covenants for production as the purchaser can and shall require shall be furnished at his expense, and the vendor shall bear the expense of perusal and execution on behalf of and by himself, and on behalf of and by necessary parties other than the purchaser.

Fifth. Where the vendor retains any part of an estate to which any documents of title relate he shall be entitled to retain such documents.

3. *Trustees may sell, &c., notwithstanding rules.*] Trustees who are either vendors or purchasers may sell or buy without excluding the application of the second section of this Act.

4. *Legal personal representative may convey legal estate of mortgaged property.*] The legal personal representative of a mortgagee of a freehold estate, or of a copyhold estate to which the mortgagee shall have been admitted, may, on payment of all sums secured by the mortgage, convey or surrender the mortgaged estate, whether the mortgage be in form an assurance subject to redemption, or an assurance upon trust.

5. *Bare legal estate in fee simple to vest in executor or administrator.*] Upon the death of a bare trustee of any corporeal or incorporeal hereditament of which such trustee

was seised in fee simple, such hereditament shall vest like a chattel real in the legal personal representative from time to time of such trustee.

6. *Married woman who is a bare trustee may convey, &c.*] When any freehold or copyhold hereditament shall be vested in a married woman as a bare trustee, she may convey or surrender the same as if she were a feme sole.

7. *Protection and priority by legal estates and tacking not to be allowed.*] After the commencement of this Act, no priority or protection shall be given or allowed to any estate, right, or interest in land by reason of such estate, right, or interest being protected by or tacked to any legal or other estate or interest in such land; and full effect shall be given in every court to this provision, although the person claiming such priority or protection as aforesaid shall claim as a purchaser for valuable consideration and without notice: Provided always, that this section shall not take away from any estate, right, title, or interest any priority or protection which but for this section would have been given or allowed thereto as against any estate or interest existing before the commencement of this Act.

8. *Non-registration of will in Middlesex, &c., cured in certain cases.*] Where the will of a testator devising land in Middlesex or Yorkshire has not been registered within the period allowed by law in that behalf, an assurance of such land to a purchaser or mortgagee by the devisee or by some one deriving title under him shall, if registered before, take precedence of and prevail over any assurance from the testator's heir-at-law.

9. *Vendor or purchaser may obtain decision of judge in chambers as to requisitions or objections, or compensation, &c.*] A vendor or purchaser of real or leasehold estate in England, or their representatives respectively, may at any time or times and from time to time apply in a summary way to a judge of the Court of Chancery in England in chambers, in respect of any requisitions or objections, or any claim for compensation, or any other question arising out of or connected with the contract (not being a question affecting the existence or validity of the contract), and the judge shall make such order upon the application as to him shall appear just, and shall order how and by whom all or any of the costs of and incident to the application shall be borne and paid.

A vendor or purchaser of real or leasehold estate in Ireland or their representatives respectively, may in like manner and for the same purpose apply to a judge of the Court of Chancery in Ireland, and the judge shall make such order upon the application as to him shall appear just, and shall order how and by whom all or any of the costs of and incident to the application shall be borne and paid.

10. *Extent of Act.*] This Act shall not apply to Scotland, and may be cited as the Vendor and Purchaser Act, 1874.

CAP. LXXIX.

An Act for the better management and regulation of Foyle College, in the city of Londonderry, and for vesting in the governing body of such College the present schoolhouse and premises belonging to such College, and for vesting the right of appointment of head master of such College in the Bishop of Derry and Raphoe and the Governor of the Honourable the Irish Society. [7th August, 1874.

CAP. LXXX.

An Act to amend the Laws relating to the Royal Irish Constabulary. [7th August, 1874.

CAP. LXXXI.

An Act to provide for the abolition of certain offices connected with the Great Seal, and to make better provision respecting the office of the Clerk of the Crown in Chancery. [7th August, 1874.]

Be it enacted, &c.

1. *Short title.*] This Act may be cited as the Great Seal (Offices) Act, 1874.

2. *Commencement of Act.*] This Act shall come into operation on the first day of September one thousand eight hundred and seventy-four, which day is in this Act referred to as the commencement of this Act.

3. *Definition of terms.*] In this Act—

The expression "the Lord Chancellor" means the Lord High Chancellor of Great Britain, or the Commissioners for executing the office of such Lord High Chancellor.

The expression "the Treasury" means the Commissioners of her Majesty's Treasury.

4. *Abolition of office of messenger of Great Seal and transfer of duties.*] After the commencement of this Act the office of messenger or pursuivant of the Great Seal shall as a separate office be abolished.

The powers and duties of the messenger or pursuivant of the Great Seal in relation to writs for the election of members to serve in Parliament shall on the commencement of this Act be transferred to and vested in such officer as the Lord Chancellor may from time to time, with the approval of her Majesty, appoint, and such officer may, if the Lord Chancellor so direct, be styled messenger of the Great Seal in lieu of or in addition to any other style denoting his office, and the Act of the session of the fifty-third year of the reign of King George the Third, chapter eighty-nine, intituled "An Act for the more regular conveyance of writs for the election of members to serve in Parliament," so far as it is unrepealed, shall be construed as if the officer so appointed were therein substituted for the messenger or pursuivant of the Great Seal, with this qualification, that the deputy in that Act mentioned shall be appointed by the Lord Chancellor in writing.

All other duties and powers required to be performed by or vested in the messenger or pursuivant of the Great Seal shall be performed by and vested in such officer as the Lord Chancellor may from time to time direct.

There shall be paid, out of moneys provided by Parliament, to any officer to whom any duties and powers are transferred under this section, such additional salary or remuneration (if any) as the Treasury, upon the recommendation of the Lord Chancellor, may from time to time assign to him.

5. *Power to abolish office of clerk of the petty bag and transfer of duties.*] At any time after the commencement of this Act the Treasury may, with the concurrence of the Lord Chancellor and of the Master of the Rolls, abolish the office of clerk of the petty bag notwithstanding that there is no vacancy in the office.

Upon the abolition of the office of clerk of the petty bag, all the duties and powers of the cursitors of the Court of Chancery, and all the duties and powers of the clerk of the petty bag with respect to solicitors, the administering of oaths, the attending with records, the enrolment of documents, the sealing and issuing of documents or writs with or under the Chancery common law seal, and other matters relating to the administration of justice (but excluding any writs or letters patent passed under the Great Seal of the United Kingdom), shall be performed by or vested in such officer of the Court of Chancery as the Lord Chancellor may from time to time direct, or after the commencement of the Supreme Court of Judicature Act, 1873, in such officer of the Supreme Court of Judicature in England as may from time to time be directed by rules of court under the Supreme Court of Judicature Act, 1873, and any Act amending the same.

After the commencement of this Act all the duties and powers other than those above mentioned in this section of the clerk of the petty bag, including all duties and powers relating to any writs or letters patent passed under the Great Seal of the United Kingdom, shall be performed by and vested in the clerk of the Crown in Chancery or his officers in such manner as the Lord Chancellor may from time to time direct.

If any doubt arise as to whether any duty or power of the clerk of the petty bag is or is not transferred to the clerk of the Crown in Chancery, such doubt shall be

determined by the Lord Chancellor, whose decision shall be final.

The clerk of the petty bag shall, except so far as regards the duties and powers transferred by this Act to the clerk of the Crown in Chancery, be deemed to be an officer attached to the Court of Chancery, within the meaning of section seventy-seven of the Supreme Court of Judicature Act, 1873, and the powers and provisions contained in this Act shall be deemed to be in addition to and not in derogation of the powers and provisions contained in that section.

6. *Power to abolish office of clerk of the patents, and transfer the duties.*] At any time after the commencement of this Act the Treasury may, with the concurrence of the Lord Chancellor, abolish the office of clerk of the patents.

Upon the abolition of the office of clerk of the patents, all the duties and powers of the clerk of the patents shall be performed by and vested in the clerk of the Crown in Chancery or his officers in such manner as the Lord Chancellor may from time to time direct.

Nothing in this section shall apply to the clerk of the Commissioners of Patents, so far as relates to letters patent under the Patent Law Amendment Act, 1852, and the Acts amending the same.

7. *Union of offices of gentleman of the chamber to the Great Seal and purse-bearer to the Lord Chancellor.*] Upon the death or resignation of the person who at the passing of this Act holds the office of purse-bearer to the Lord Chancellor the office shall be abolished, and upon such abolition all duties and powers required to be performed by or vested in the said purse-bearer (including the duties of chaff-wax sealer and deputy sealer now required to be performed by him) shall be performed by and vested in the gentleman of the chamber attending the Great Seal.

There shall be paid, out of moneys provided by Parliament, to the gentleman of the chamber attending the Great Seal, such salary or remuneration, and upon the transfer to him of the duties and powers of purse-bearer to the Lord Chancellor, such additional salary or remuneration for those duties, as the Treasury may from time to time, upon the recommendation of the Lord Chancellor, assign to him.

8. *Duties and salary of clerk of the Crown.*] It shall continue to be lawful for her Majesty from time to time under Her Royal Sign Manual to appoint a fit person to fill the office of clerk of the Crown in Chancery.

The clerk of the Crown in Chancery shall continue to perform the duties of the office of keeper or clerk of the hanaper, and shall continue to hold his office notwithstanding the demise of her Majesty, her heirs or successors.

There shall be paid to any person appointed after the commencement of this Act to be clerk of the Crown in Chancery such salary as the Treasury may assign to him.

The salaries of the clerk of the Crown in Chancery, and of his officers, and the expenses of his office, shall be paid out of moneys provided by Parliament.

9. *Fees in office of clerk of the Crown, &c.*] The Lord Chancellor, with the concurrence of the Treasury, may from time to time by order appoint the fees to be taken in the office of or by the clerk of the Crown in Chancery, or by any of his officers, or by any person performing the duties of messenger or pursuivant of the Great Seal, or gentleman of the chamber attending the Great Seal, or purse-bearer to the Lord Chancellor, or chaff-wax sealer or deputy sealer, and may from time to time by order increase, reduce, add to, or abolish the fees for the time being taken in such office or by such officer; and the Public Offices Fees Act, 1866, shall apply to all such fees.

No fees other than those so appointed shall be taken in the said office or by any of the above-mentioned officers or persons.

Provided that until any such order is made, the fees existing at the commencement of this Act, including the fees payable in the office of the clerk of the petty bag and of the clerk of the patents in respect of matters the transaction of which is transferred by this Act to the clerk of the Crown in Chancery, shall continue to be taken in like manner as if this section had not passed.

Temporary Provisions.

10. *Transfer of records.*] All records, documents, and papers belonging to any of the offices affected by this Act shall, upon the transfer of the duties to which such records,

documents, and papers relate, be transferred to the officers who will perform those duties in such manner as the Lord Chancellor may from time to time direct.

11. *Provision as to existing officers in abolished offices.* The persons who upon the abolition of the office of clerk of the petty bag, or the office of clerk of the patents, hold the office so abolished, or any office in connexion with the office so abolished, or receive any salary or remuneration for duties connected therewith, shall upon such abolition be transferred to the Court of Chancery, or if the abolition is after the commencement of the Supreme Court of Judicature Act, 1873, to the Supreme Court of Judicature in England, and shall have the same rank and hold their offices by the same tenure and upon the same terms and conditions, and receive the same salaries or remuneration as theretofore; and the Lord Chancellor may from time to time assign to the officers transferred by this section such duties in relation to the business to be performed in any office connected with the Court of Chancery or Supreme Court of Judicature in England as he may think just, and the said officers shall perform those duties: Provided that the duties required to be performed by them under this section shall be the same as or analogous to those which they have heretofore performed.

The Lord Chancellor may at any time, by order, release from the performance of any duties any officer transferred by this section, whose services he may deem unnecessary, and such person shall thereupon cease to hold office, and shall be entitled to compensation in manner provided by this Act.

The Treasury may, on the petition of any officer so released, inquire whether any, and, if any, what compensation ought to be made to the petitioner, regard being had to the conditions on which he was appointed to his office, the nature of his office or employment, and the duration of his service, and if they think that his claim to compensation is established, may award to him, out of moneys to be provided by Parliament, such compensation by way of annuity or

otherwise as under the circumstances of the case they think just and reasonable: Provided that any compensation so granted shall be subject to the provisions of the twentieth section of the Act four and five William IV., chapter twenty-four, and of the eleventh section of the Act twenty-two Victoria, chapter twenty-six.

12. *Repeal of Acts and parts of Acts in schedule.* The Acts specified in the schedule to this Act are hereby repealed from and after the commencement of this Act, to the extent specified in the third column of the schedule.

Provided that—

- (1.) This repeal shall not diminish or affect the right of any person who, at the time of the commencement of this Act, holds any of the offices mentioned in, or receives any compensation, salary, remuneration, or allowance under any enactment hereby repealed, and such enactment shall, subject to the express provisions of this Act, continue to apply to such person so long as he holds such office, or is entitled to receive such compensation, salary, remuneration, or allowance:
- (2.) This repeal shall not affect,—
 - (a.) Anything duly done or suffered under any enactment hereby repealed; or
 - (b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or
 - (c.) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, or liability as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed:
- (3.) This repeal shall not revive any enactment, right, office, privilege, matter, or thing not in force or existing at the commencement of this Act.

SCHEDULE.

ACTS REPEALED.

A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last-mentioned or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Session and Chapter.	Title.	Extent of Repeal.
53 Geo. 3, c. 89.	An Act for the more regular conveyance of writs for the election of members to serve in Parliament.	Section four.
3 & 4 Will. 4, c. 84.	An Act to provide for the performance of the duties of certain offices connected with the Court of Chancery which have been abolished.	The whole Act, except so much of section two as relates to the Secretary of Presentations.
5 & 6 Will. 4, c. 47.	An Act to repeal so much of an Act passed in the third and fourth years of his present Majesty as relates to the amount of the salary granted to the clerk of the Crown in Chancery, and to make other provisions in relation to the said office.	The whole Act.
5 & 6 Will. 4, c. 82.	An Act to abolish certain offices connected with fines and recoveries and the cursitors in the Court of Chancery, and to make provision for the abolition of certain offices in the superior courts of common law in England.	Sections eight to twelve.
7 & 8 Vict. c. 77.	An Act to amend so much of an Act of the fifth and sixth years of his late Majesty as relates to the salary of the clerk of the Crown in Chancery, and to make other provisions in respect of the said office.	The whole Act.
11 & 12 Vict. c. 94.	An Act to regulate certain offices in the petty bag in the High Court of Chancery, the practice of the common law side of that court, and the enrolment office of the said court.	The whole Act.
12 & 13 Vict. c. 109.	An Act to amend an Act to regulate certain offices in the petty bag of the High Court of Chancery, the practice of the common law side of that court, and the enrolment office of the said court.	Sections one to five, and sections nine, ten, and twenty-two.
15 & 16 Vict. c. 87.	An Act for the relief of the suitors of the High Court of Chancery.	Section twenty-three, except so far as it relates to the Secretary of Decrees and Injunctions, and section twenty-four, so far as it relates to the gentleman of the chamber attending the great Seal and the purse-bearer to the Lord Chancellor.

Session and Chapter.	Title.	Extent of Repeal.
32 & 33 Vict. c. 91.	The Courts of Justice, Salaries and Funds Act, 1869.	So much as relates to the offices of the clerk of the Crown in Chancery, the offices of gentlemen of the chamber attending the Great Seal, or purse-bearer to the Lord Chancellor, or messenger to the Great Seal, or clerk of the petty bag, or to the fees of such clerk of the Crown, gentleman of the chamber attending the Great Seal, Purse-bearer to the Lord Chancellor, or Messenger to the Great Seal, or to the fees of any business transferred by this Act from the clerk of the petty bag to the clerk of the Crown in Chancery.

CAP. LXXXII.

An Act to alter and amend the laws relating to the Appointment of Ministers to Parishes in Scotland.

[7th August, 1874]

CAP. LXXXIII.

An Act for delaying the coming into operation of the Supreme Court of Judicature Act, 1873.

[7th August, 1874.]

Whereas it is expedient to extend the time appointed for the commencement of the Supreme Court of Judicature Act, 1873 :

Be it enacted, &c.

1. *Repeal of 36 & 37 Vict. c. 66, s. 2.* The second section of the Supreme Court of Judicature Act, 1873, is hereby repealed.

2. *Commencement of Supreme Court of Judicature Act, 1873.* The Supreme Court of Judicature Act, 1873, except any provisions thereof directed to take effect on the passing of the said Act, shall commence and come into operation on the first day of November one thousand eight hundred and seventy-five, and the said first day of November one thousand eight hundred and seventy-five shall be taken to be the time appointed for the commencement of the said Act.

3. *Short title of Act.* This Act may be cited for all purposes as the Supreme Court of Judicature (Commencement) Act, 1874.

CAP. LXXXIV.

An Act to regulate the Incorporation of the Commissioners of Her Majesty's Works and Public Buildings, and for other purposes relating thereto.

[7th August, 1874.]

CAP. LXXXV.

An Act for the better administration of the Laws respecting the regulation of Public Worship.

[7th August, 1874.]

Whereas it is expedient that in certain cases further regulations should be made for the administration of the laws relating to the performance of divine service according to the use of the Church of England :

Be it enacted, &c.

1. *Short title.* This Act may be cited as The Public Worship Regulation Act, 1874.

2. *Commencement of Act.* This Act shall come into operation on the first day of July one thousand eight hundred and seventy-five, except where expressly hereinafter provided.

3. *Extent of Act.* This Act shall extend to that part of the United Kingdom called England, to the Channel Islands, and the Isle of Man.

4. *Proceedings under this Act not to be deemed proceedings under 3 & 4 Vict. c. 36, s. 23.* Proceedings taken under this Act shall not be deemed to be such proceedings as are mentioned in the Act of the third and fourth year of the reign of her Majesty, chapter eighty-six, section twenty-three.

5. *Saving of jurisdiction.* Nothing in this Act contained, save as herein expressly provided, shall be construed to affect or repeal any jurisdiction which may now be in force for the due administration of ecclesiastical law.

6. *Interpretation of terms.* In this Act the following terms shall, if not inconsistent with the context, be thus interpreted—

"*Bishop.*" The term "bishop" means the archbishop or bishop of the diocese in which the church or burial ground is situate to which a representation relates :

"*Book of Common Prayer.*" The term "Book of Common Prayer" means the book annexed to the Act of the fourteenth year of the reign of King Charles the Second, chapter four, intituled "The Book of Common Prayer, and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of England ; together with the Psalter or Psalms of David, pointed as they are to be sung or said in churches ; and the form or manner of making, ordaining, and consecrating of Bishops, Priests, and Deacons ;" together with such alterations as have from time to time been or may hereafter be made in the said book by lawful authority :

"*Burial ground.*" The term "burial ground" means any churchyard, cemetery, or burial ground, or the part of any cemetery or burial ground, in which, at the burial of any corpse therein, the order for the burial of the dead contained in the Book of Common Prayer is directed by law to be used :

"*Church.*" The term "church" means any church, chapel, or place of public worship in which the incumbent is by law or by the terms of licence from the bishop required to conduct divine service according to the Book of Common Prayer :

"*Diocese.*" The term "diocese" means the diocese in which the church or burial ground is situate to which a representation relates, and comprehends all places which are situate within the limits of such diocese :

"*Incumbent.*" The term "incumbent" means the person or persons in holy orders legally responsible for the due performance of divine service in any church, or of the order for the burial of dead in any burial ground :

"*Parish.*" The term "parish" means any parish, ecclesiastical district chapelry, or place, over which any incumbent has the exclusive cure of souls :

"*Parishioner.*" The term "parishioner" means a male person of full age who before making any representation under this Act has transmitted to the bishop under his hand the declaration contained in Schedule (A.) to this Act, and who has, and for one year next before taking any proceeding under this Act has had, his usual place of abode in the parish within which the church or burial ground is situate, or for the use of which the burial ground is legally provided to which the representation relates :

"*Barrister-at-law.*" The term "barrister-at-law" shall in the Isle of Man include advocate :

"*Rules and orders.*" The term "rules and orders" means the rules and orders framed under the provisions of this Act.

7. *Appointment and duties of judge.* The Archbishop of Canterbury and the Archbishop of York may, but subject to the approval of her Majesty to be signified under her Sign Manual, appoint from time to time a barrister-at-law who has been in actual practice for ten years, or a person

who has been a judge of one of the Superior Courts of Law or Equity, or of any court to which the jurisdiction of any such court has been or may hereafter be transferred by authority of Parliament, to be, during good behaviour, a judge of the Provincial Courts of Canterbury and York, hereinafter called the judge.

If the said archbishops shall not, within six months after the passing of this Act, or within six months after the occurrence of any vacancy in the office, appoint the said judge, her Majesty may by Letters Patent appoint some person, qualified as aforesaid, to be such judge.

Whosoever a vacancy shall occur in the office of official principal of the Archies Court of Canterbury, the judge shall become *ex officio* such official principal, and all proceedings thereafter taken before the judge in relation to matters arising within the province of Canterbury shall be deemed to be taken in the Archies Court of Canterbury; and whosoever a vacancy shall occur in the office of official principal or auditor of the Chancery Court of York, the judge shall become *ex officio* such official principal or auditor, and all proceedings thereafter taken before the judge in relation to matters arising within the province of York shall be deemed to be taken in the Chancery Court of York; and whosoever a vacancy shall occur in the office of Master of the Faculties to the Archbishop of Canterbury, such judge shall become *ex officio* such Master of the Faculties.

Every person appointed to be a judge under this Act shall be a member of the Church of England, and shall, before entering on his office, sign the declaration in Schedule (A) to this Act; and if at any time any such judge shall cease to be a member of the Church, his office shall thereupon be vacant.

This section shall come into operation immediately after the passing of this Act.

8. *Representation by archdeacon, churchwarden, parishioners, or inhabitants of diocese*.] If the archdeacon of the archdeaconry, or a churchwarden of the parish, or any three parishioners of the parish, within which archdeaconry or parish any church or burial ground is situate, or for the use of any part of which any burial ground is legally provided, or in case of cathedral or collegiate churches, any three inhabitants of the diocese, being male persons of full age, who have signed and transmitted to the bishop under their hands the declaration contained in Schedule (A) under this Act, and who have, and for one year next before taking any proceeding under this Act have had, their usual place of abode in the diocese within which the cathedral or collegiate church is situated, shall be of opinion,—

- (1.) That in such church any alteration in or addition to the fabric, ornaments, or furniture thereof has been made without lawful authority, or that any decoration forbidden by law has been introduced into such church; or,
- (2.) That the incumbent has within the preceding twelve months used or permitted to be used in such church or burial ground any unlawful ornament of the minister of the church, or neglected to use any prescribed ornament or vesture; or,
- (3.) That the incumbent has within the preceding twelve months failed to observe, or to cause to be observed, the directions contained in the Book of Common Prayer relating to the performance, in such church or burial ground, of the service, rites, and ceremonies ordered by the said book, or has made or permitted to be made any unlawful addition to, alteration of, or omission from such services, rites, and ceremonies,—

such archdeacon, churchwarden, parishioners, or such inhabitants of the diocese, may, if he or they think fit, represent the same to the bishop, by sending to the bishop a form, as contained in Schedule (B) to this Act, duly filled up and signed, and accompanied by a declaration made by him or them under the Act of the fifth and sixth year of the reign of King William the Fourth, chapter sixty-two, affirming the truth of the statements contained in the representation: Provided, that no proceedings shall be taken under this Act as regards any alteration in or addition to the fabric of a church if such alteration or addition has been completed five years before the commencement of such proceedings.

9. *Proceedings on representation*.] Unless the bishop shall be of opinion, after considering the whole circumstances of the case, that proceedings should not be taken on the representation, (in which case he shall state in writing the reason for

his opinion, and such statement shall be deposited in the registry of the diocese, and a copy thereof shall forthwith be transmitted to the person or some one of the persons who shall have made the representation, and to the person complained of,) he shall within twenty-one days after receiving the representation transmit a copy thereof to the person complained of, and shall require such person, and also the person making the representation, to state in writing within twenty-one days whether they are willing to submit to the directions of the bishop touching the matter of the said representation, without appeal; and, if they shall state their willingness to submit to the directions of the bishop without appeal, the bishop shall forthwith proceed to hear the matter of the representation in such manner as he shall think fit, and shall pronounce such judgment and issue such monition (if any) as he may think proper, and no appeal shall lie from such judgment or monition.

Provided, that no judgment so pronounced by the bishop shall be considered as finally deciding any question of law so that it may not be again raised by other parties.

The parties may, at any time after the making of a representation to the bishop, join in stating any questions arising in such proceedings in a special case signed by a barrister-at-law for the opinion of the judge, and the parties after signing and transmitting the same to the bishop may require it to be transmitted to the judge for hearing, and the judge shall hear and determine the question or questions arising thereon, and any judgment pronounced by the bishop shall be in conformity with such determination.

If the person making the representation and the person complained of shall not, within the time aforesaid, state their willingness to submit to the directions of the bishop, the bishop shall forthwith transmit the representation in the mode prescribed by the rules and orders to the archbishop of the province, and the archbishop shall forthwith require the judge to hear the matter of the representation at any place within the diocese or province, or in London or Westminster.

The judge shall give not less than twenty-eight days' notice to the parties of the time and place at which he will proceed to hear the matter of the said representation. The judge before proceeding to give such notice shall require from the person making the representation such security for costs as the judge may think proper, such security to be given in the manner prescribed by the rules and orders.

The person complained of shall within twenty-one days after such notice transmit to the judge, and to the person making the representation, a succinct answer to the representation, and in default of such answer he shall be deemed to have denied the truth or relevancy of the representation.

In all proceedings before the judge under this Act the evidence shall be given *visâ voce*, in open court, and upon oath; and the judge shall have the powers of a court of record, and may require and enforce the attendance of witnesses, and the production of evidences, books, or writings, in the like manner as a judge of one of the superior courts of law or equity, or of any court to which the jurisdiction of any such court has been or may hereafter be transferred by authority of Parliament.

Unless the parties shall both agree that the evidence shall be taken down by a shorthand writer, and that a special case shall not be stated, the judge shall state the facts proved before him in the form of a special case, similar to a special case stated under the Common Law Procedure Acts, 1852—1854.

The judge shall pronounce judgment on the matter of the representation, and shall deliver to the parties, on application, and to the bishop, a copy of the special case, if any, and judgment.

The judge shall issue such monition (if any) and make such order as to costs as the judgment shall require.

Upon every judgment of the judge, or monition issued in accordance therewith, an appeal shall lie, in the form prescribed by rules and orders, to her Majesty in Council.

The judge may, on application in any case, suspend the execution of such monition pending an appeal, if he shall think fit.

10. *Registrar of the diocese to perform duties under the Act*.] The registrar of the diocese, or his deputy duly appointed, shall perform such duties in relation to this Act

and shall receive such fees as may be prescribed by the rules and orders.

11. *Parties may appear in person or by counsel, &c.*] In any proceedings under this Act either party may appear either by himself in person or by counsel, or by any proctor or any attorney or solicitor.

12. *No fresh evidence to be admitted on appeal.*] For the purpose of an appeal to her Majesty in Council under this Act, the special case settled by the judge, or a copy of the shorthand writer's notes, as the case may be, shall be transmitted in the manner prescribed by rules and orders, and no fresh evidence shall be admitted upon appeal except by the permission of the tribunal hearing the appeal.

13. *Inhibition of incumbent.*] Obedience by an incumbent to a monition or order of the bishop or judge, as the case may be, shall be enforced, if necessary, in the manner prescribed by rules and orders, by an order inhibiting the incumbent from performing any service of the church, or otherwise exercising the cure of souls within the diocese for a term not exceeding three months; provided that at the expiration of such term the inhibition shall not be relaxed until the incumbent shall, by writing under his hand, in the form prescribed by the rules and orders undertake to pay due obedience to such monition or order, or to the part thereof which shall not have been annulled; provided that if such inhibition shall remain in force for more than three years from the date of the issuing of the monition, or from the final determination of an appeal therefrom, whichever shall last happen, or if a second inhibition in regard to the same monition shall be issued within three years from the relaxation of an inhibition, any benefice or other ecclesiastical preferment held by the incumbent in the parish in which the church or burial ground is situate, or for the use of which the burial ground is legally provided, in relation to which church or burial ground such monition has been issued as aforesaid, shall thereupon become void, unless the bishop shall, for some special reason stated by him in writing, postpone for a period not exceeding three months the date at which, unless such inhibition be relaxed, such benefice or other ecclesiastical preferment shall become void as aforesaid; and upon any such avoidance it shall be lawful for the patron of such benefice or other ecclesiastical preferment to appoint, present, collate, or nominate to the same as if such incumbent were dead; and the provisions contained in the Act of the first and second year of the reign of her Majesty, chapter one hundred and six, section fifty-eight, in reference to notice to the patron and as to lapse, shall be applicable to any benefice or other ecclesiastical preferment avoided under this Act; and it shall not be lawful for the patron at any time to appoint, present, collate, or nominate to such benefice or such other ecclesiastical preferment the incumbent by whom the same was avoided under this Act.

The bishop may, during such inhibition, unless he is satisfied that due provision is otherwise made for the spiritual charge of the parish, make due provision for the service of the church and the cure of souls, and it shall be lawful for the bishop to raise the sum required from time to time for such provision by sequestration of the profits of such benefice or other ecclesiastical preferment.

Any question as to whether a monition or order given or issued after proceedings before the bishop or judge, as the case may be, has or has not been obeyed shall be determined by the bishop or the judge, and any proceedings to enforce obedience to such monition or order shall be taken by direction of the judge.

14. *Faculty not necessary in certain cases.*] It shall not be necessary to obtain a faculty from the ordinary in order lawfully to obey any monition issued under this Act, and if the judge shall direct in any monition that a faculty shall be applied for, such fees only shall be paid for such faculty as may be directed by the rules and orders; provided that nothing in this Act contained shall be construed to limit or control the discretion vested by law in the ordinary as to the grant or refusal of a faculty: Provided also, that a faculty shall, on application, be granted, if unopposed, on payment of such a fee (not exceeding two guineas) as shall be prescribed by the rules and orders, in respect of any alteration in or addition to the fabric of any church, or in respect of any ornaments or furniture,

not being contrary to law, made or existing in any church at the time of the passing of this Act.

15. *Service of notices.*] All notices and other documents directed to be given to any person under this Act shall be given in the manner prescribed by rules and orders.

16. *Substitute for bishop when patron, or in case of illness.*] If any bishop shall be patron of the benefice or of any ecclesiastical preferment held by the incumbent respecting whom a representation shall have been made, or shall be unable from illness to discharge any of the duties imposed upon him by this Act in regard to any representation, the archbishop of the province shall act in the place of such bishop in all matters thereafter arising in relation to such representation; and if any archbishop shall be patron of the benefice or of any ecclesiastical preferment held by the incumbent respecting whom a representation shall have been made, or shall be unable from illness to discharge any of the duties imposed upon him by this Act in regard to any representation, her Majesty may, by her sign manual, appoint an archbishop or bishop to act in the place of such archbishop in all matters thereafter arising in relation to such representation.

17. *Provisions relating to cathedral or collegiate church.*] The duties appointed under this Act to be performed by the bishop of the diocese shall in the case of a cathedral or collegiate church be performed by the visitor thereof.

If any complaint shall be made concerning the fabric, ornaments, furniture, or decorations of a cathedral or collegiate church, the person complained of shall be the dean and chapter of such cathedral or collegiate church, and in the event of obedience not being rendered to a monition relating to the fabric, ornaments, furniture, or decorations of such cathedral or collegiate church, the visitor, or the judge, as the case may be, shall have power to carry into effect the directions contained in such monition, and if necessary, to raise the sum required to defray the cost thereof by sequestration of the profits of the preferments held in such cathedral or collegiate church by the dean and chapter thereof.

If any complaint shall be made concerning the ornaments of the minister in a cathedral or collegiate church, or as to the observance therein of the directions contained in the Book of Common Prayer, relating to the performance of the services, rites, and ceremonies ordered by the said book, or as to any alleged addition to, alteration of, or omission from such services, rites, and ceremonies in such cathedral or collegiate church, the person complained of shall be the clerk in holy orders alleged to have offended in the matter complained of; and the visitor or the judge, as the case may be, in the event of obedience not being rendered to a monition, shall have the same power as to inhibition, and the preferment held in such cathedral or collegiate church by the person complained of shall be subject to the same conditions as to avoidance, notice, and lapse, and as to any subsequent appointment, presentation, collation, or nomination thereto, and as to due provision being made for the performance of the duties of such person, as are contained in this Act concerning an incumbent to whom a monition has been issued, and concerning any benefice or other ecclesiastical preferment held by such incumbent.

18. *Limitation of proceedings against incumbent.*] When a sentence has been pronounced by consent, or any suit or proceeding has been commenced against any incumbent under the Act of the third and fourth year of the reign of her Majesty, chapter eighty-six, he shall not be liable to proceedings under this Act in respect of the same matter; and no incumbent proceeded against under this Act shall be liable to proceedings under the said Act of the third and fourth year of the reign of her Majesty, in respect of any matter upon which judgment has been pronounced under this Act.

19. *Rules for settling procedure and fees under this Act.*] Her Majesty may by Order in Council, at any time either before or after the commencement of this Act, by and with the advice of the Lord High Chancellor, the Lord Chief Justice of England, the judge to be appointed under this Act, and the archbishops and bishops who are members of her Majesty's Privy Council, or any

two of the said persons, one of them being the Lord High Chancellor or the Lord Chief Justice of England, cause rules and orders to be made for regulating the procedure and settling the fees to be taken in proceedings under this Act, so far as the same may not be expressly regulated by this Act, and from time to time alter or amend such rules and orders. All rules and orders made in pursuance of this section shall be laid before each House of Parliament within forty days after the same are made, if Parliament is then sitting, or if not, within forty days after the then next meeting of Parliament; and if an address is presented to her Majesty by either of the said Houses within the next subsequent forty days on which the House shall have sat praying that any such rules may be annulled, her Majesty may thereupon by Order in Council annul the same, and the rules and orders so annulled shall thenceforth become void, without prejudice to the validity of any proceedings already taken under the same.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A)

I do hereby solemnly declare that I am a member of the Church of England as by law established.

Witness my hand this day of .

SCHEDULE (B)

"PUBLIC WORSHIP REGULATION ACT, 1874."

To the Right Rev. Father in God, A., by Divine permission Lord Bishop of B.

I, [We.] C.D., Archdeacon of the archdeaconry of , [or a churchwarden or three parishioners of the parish of E.] in your Lordship's diocese, do hereby represent that [the person or persons complained of] has or have [state the matter to be represented; if more than one, then under separate heads].

Dated this day of 18 .
(Signed) C.D.

CAP. LXXXVI.

An Act to amend the Law relating to the Irish Reproductive Loan Fund. [7th August, 1874.]

CAP. LXXXVII.

An Act to amend the Endowed Schools Acts. [7th August, 1874.]

Be it enacted, &c.

Transfer of Powers.

1. *Transfer of powers of Endowed Schools Commissioners to Charity Commissioners.* On and after the thirty-first day of December one thousand eight hundred and seventy-four all powers and duties by the Endowed Schools Acts vested in or imposed on the Endowed Schools Commissioners shall be transferred to and imposed on the Charity Commissioners, and except as otherwise provided by this Act, shall be exercised and performed by the Charity Commissioners, in like manner and form and subject to the same conditions, liabilities, and incidents respectively as such powers and duties have been exercised and performed by the Endowed Schools Commissioners, or as near thereto as circumstances permit.

On and after the thirty-first day of December one thousand eight hundred and seventy-four the commissioners, secretary, assistant commissioners, and other persons appointed and employed in pursuance of the Endowed Schools Acts shall cease to hold office.

2. *Power to add to Charity Commissioners.* Her Majesty and her successors may at any time after the passing of this Act, by warrant under her sign manual, from time to time appoint any number of persons not exceeding two to be paid Charity Commissioners for England and Wales and a person to be secretary in addition to the three paid Charity Commissioners and secretary capable of being appointed under the Charitable Trusts Acts, 1853 to 1869. The two additional Commissioners and additional secretary appointed in pursuance of this Act shall hold office during her Majesty's pleasure, and their salaries shall, unless otherwise directed by Parliament, cease to be paid after the expiration of five years from the said thirty-first day of December one thousand eight hundred and seventy-four.

Save as in this section mentioned, the additional Commissioners shall have the same powers, perform the same duties,

and stand in all respects in the same position as the other paid Charity Commissioners with the exception of the Chief Commissioner.

The Commissioners of her Majesty's Treasury may allow the Charity Commissioners to employ such number of assistant commissioners, officers, and clerks as the Commissioners of her Majesty's Treasury may think necessary for the purpose of enabling the said Charity Commissioners to perform the additional duties imposed upon them by this Act.

3. *Salaries of Charity Commissioners and their officers.* There shall be repealed so much of the Charitable Trusts Acts, 1853 to 1869, as regulates the amounts of the salaries of the Commissioners, their secretary and inspectors; and there shall be paid to the Commissioners, their secretary or secretaries, assistant commissioners, inspectors, officers, and clerks, whether appointed under this Act or under the said Charitable Trusts Acts, out of moneys provided by Parliament, such salaries as the Treasury may from time to time determine: Provided that no decrease shall be made in pursuance of this section in the salary of any Charity Commissioner, secretary, inspector, officer, or clerk appointed before the passing of this Act under the said Charitable Trusts Acts, or any of them.

Amendment of Law.

4. *Exercise of certain powers by Charity Commissioners.* Any power by the Endowed Schools Act, 1869, vested in the Charity Commissioners, upon application made to them by the Commissioners under the said Act, may after the said thirty-first day of December one thousand eight hundred and seventy-four be exercised by the Charity Commissioners of their own motion.

5. *Quorum of Commissioners.* A scheme of the Charity Commissioners made in pursuance of the powers of this Act and the Endowed Schools Acts, or any of them, shall not be submitted to the Committee of Council on Education unless it has been approved at a meeting of the Board at which there are present not less than three Commissioners (of whom one shall be the Chief Commissioner, or, in his absence from illness or unavoidable cause, such other Charity Commissioner as may for the time being be named by the Committee of Council on Education); in all other respects one Charity Commissioner may act under the Endowed Schools Acts as amended by this Act.

Miscellaneous and Repeal.

6. *Continuance of Powers transferred to Charity Commissioners.* The powers of making schemes under the Endowed Schools Acts as amended by this Act shall continue in force for a period of five years from the said thirty-first day of December one thousand eight hundred and seventy-four; and during the continuance of such powers any court or judge shall not, with respect to any endowed school or educational endowment which can be dealt with by a scheme under this Act and the Endowed Schools Acts, or any of such Acts, make any scheme or appoint any new trustees without the consent of the Committee of Council on Education.

7. *Repeal of Acts.* On and after the said thirty-first day of December one thousand eight hundred and seventy-four the enactments set forth in the schedule annexed hereto shall be repealed to the extent to which such enactments are therein expressed to be repealed.

Provided that the repeal enacted in this Act shall not affect—

- (1) Anything duly done under any enactment hereby repealed;
- (2) Any right or privilege acquired or any liability incurred under any enactment hereby repealed.

8. *Saving clause as to certain schemes.* Notwithstanding the seventeenth section of the Endowed Schools Act, 1873, any scheme which has before the passing of this Act been submitted by the Endowed Schools Commissioners to the Committee of Council on Education for approval may be proceeded with.

Provided, that with respect to every such scheme which has not been approved by the Committee of Council on Education before the passing of this Act, such Committee shall before approving the same cause such scheme, after the passing of this Act, and that notwithstanding any prior publication and notice, to be published and circulated in such manner as they think sufficient for giving information to all persons interested, together with a notice stating that during one month after the publication of such notice the Committee of Council

on Education will receive any objections or suggestions made to them in writing respecting such scheme.

9. *Definitions.*] In this Act, so far as is consistent with the context, the expressions following have the meanings hereafter assigned to them; that is to say,

The expression "The Endowed Schools Acts" means the Endowed Schools Acts, 1869 and 1873:

The expression "The Endowed Schools Commissioners" means the Commissioners appointed in pursuance of the Endowed Schools Act, 1869:

The expression "The Charity Commissioners" means the Charity Commissioners for England and Wales.

10. *Construction and Short Title.*] This Act, so far as consistent with the tenor thereof, shall be construed as one with the Endowed Schools Acts, as amended by this Act; and in the construction of the Endowed Schools Acts the expression "the Commissioners" shall, unless there is something in the context inconsistent therewith, on and after the said thirty-first day of December one thousand eight hundred and seventy-four, mean the Charity Commissioners; and this Act and the other Acts mentioned in this section may be cited together as the Endowed Schools Acts, 1869, 1873, and 1874, and this Act may be cited separately as "The Endowed Schools Act 1874."

SCHEDULE.

ACTS PARTLY REPEALED ON and after the thirty-first day of December one thousand eight hundred and seventy-four.

Session and Chapter.	Abbreviated Title.	Extent of Repeal.
32 & 33 Vict. c. 56.	The Endowed Schools Act, 1869.	The first paragraph of section fifty-two, and the whole of sections thirty-one, forty-eight, and fifty-nine.
36 & 37 Vict. c. 87.	The Endowed Schools Act, 1873.	Section Seventeen.

CAP. LXXXVIII.

An Act to amend the Law relating to the Registration of Births and Deaths in England, and to consolidate the Law respecting the Registration of Births and Deaths at Sea. [7th August, 1874.]

Whereas it is expedient to amend the Acts relating to the registration of births and deaths in England, and to consolidate the law respecting the registration of births and deaths at sea:

Be it enacted, &c.

Registration of Births.

1. *Information concerning birth to be given to registrar within forty-two days.*] In the case of every child born alive after the commencement of this Act, it shall be the duty of the father and mother of the child, and in default of the father and mother, of the occupier of the house in which to his knowledge the child is born, and of each person present at the birth, and of the person having charge of the child, to give to the registrar, within forty-two days next after such birth, information of the particulars required to be registered concerning such birth, and in the presence of the registrar to sign the register.

2. *Requisition by registrar of information concerning birth from qualified informant after forty-two days.*] Where a birth has, from the default of the parents or other persons required to give information concerning it, not been duly registered, the registrar may, at any time after the end of forty-two days from such birth, by notice in writing require any of the persons required by this Act to give information concerning such birth to attend personally at the registrar's office, or at any other place appointed by the registrar within his sub-district, within such time (not less than seven days after the receipt of such notice, and not more than three months from the date of the birth) as may be specified in such notice, and to give information, to the best of such person's knowledge and belief, of the particulars required to be registered concerning such birth, and to sign the register in the presence of the registrar; and it shall be the duty of such person, unless the birth is registered before the expiration of the time specified in such requisition, to comply with such requisition.

3. *Information respecting finding new-born child to be given to registrar.*] In case any living new-born child is found exposed, it shall be the duty of any person finding such child, and of any person in whose charge such child may be placed, to give, to the best of his knowledge and belief, to the registrar, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses, and in the presence of the registrar to sign the register.

4. *Duty of registrar to ascertain and register birth gratis.*] It shall be the duty of the registrar to inform himself care-

fully of every birth which happens within his sub-district, and upon receiving personally from the informant at any time within three months from the date of the birth of any child or the finding of any living new-born child information of the particulars required to be registered concerning the birth of such child, forthwith in the prescribed form and manner to register the birth and the said particulars (if not previously registered), without fee or reward from the informant, except that if, in pursuance of a written requisition, he registers the same at the residence of the person making such requisition or at the house in which the birth took place, he shall, unless the birth took place in a public institution, be entitled to the appointed fee.

5. *Registry after expiration of three months from birth.*] After the expiration of three months next after the birth of any child, a registrar shall not register such birth, except as in this section provided; that is to say, in case the birth of any child has not been registered in accordance with the Births and Deaths Registration Acts, 1836 to 1874, the registrar may, after three and not later than twelve months next after the birth, by notice in writing, require any of the persons required by this Act to give information concerning the birth to attend personally at the district register office, within such time (not less than seven days after the receipt of the notice, and not more than twelve months after the date of the birth) as may be specified in the notice, and make before the superintendent registrar a solemn declaration, according to the best of the declarant's knowledge and belief, of the particulars required to be registered concerning the birth, and sign the register in the presence of the registrar and superintendent registrar; and upon any of the said persons attending before a registrar and superintendent registrar, whether in pursuance of a requisition or not, and making such a declaration as aforesaid, and giving information concerning the birth, the registrar shall then and there, in the presence of such superintendent registrar, register the birth according to the information of the declarant, and the superintendent registrar before whom the declaration is made shall, as well as the registrar and declarant, sign the entry of the birth.

After the expiration of twelve months next after the birth of any child, that birth shall not be registered except with the written authority of the Registrar General for registering the same, and except in accordance with the prescribed rules, and the fact of such authority having been given shall be entered in the register.

Every person who registers or causes to be registered the birth of any child in contravention of this section shall be liable to a penalty not exceeding ten pounds.

6. *Registry of birth out of the sub-district in case of removal.*] Any person required by this Act to give information concerning a birth, who removes before such birth is registered out of the sub-district in which such birth has taken place, may within three months after such birth, give the information by making and signing in the presence of the registrar of the sub-district in which he resides a declaration in writing of the particulars required to be registered concerning such birth;

and such registrar on payment of the appointed fee shall receive and attest the declaration and send the same to the registrar of the sub-district in which the birth took place; and the last-mentioned registrar shall, in the prescribed manner, enter the birth in the register; and the entry so made shall be deemed, for the purposes of the Births and Deaths Registration Acts, 1836 to 1874, to have been signed by the person who signed the declaration.

A person making a declaration in pursuance of this section in the case of any birth shall be deemed to have complied with the provisions of this Act as to giving information concerning that birth, and with any requisition of the registrar made under this Act within the said three months to attend and give information concerning that birth.

7. *Saving for father of illegitimate child.*] In the case of an illegitimate child no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register, together with the mother.

8. *Registration of name of child or of alteration of name.*] When the birth of any child has been registered and the name, if any, by which it was registered is altered, or if it was registered without a name, when a name is given to it, the parent or guardian of such child, or other person procuring such name to be altered or given, may, within twelve months next after the registration of the birth, deliver to the registrar or superintendent registrar such certificate as hereinafter mentioned, and the registrar or superintendent registrar, upon the receipt of that certificate, and on payment of the appointed fee, shall, without any erasure of the original entry, forthwith enter in the register book the name mentioned in the certificate as having been given to the child, and having stated upon the certificate the fact of such entry having been made, shall forthwith send the certificate to the Registrar General, together with a certified copy of the entry of the birth with the name so added.

The certificate shall be in the form given in the first schedule to this Act, or as near thereto as circumstances admit, and shall be signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or if the child is not baptized, shall be signed by the father, mother, or guardian of the child, or other person procuring the name of the child to be given or altered.

Every minister or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one shilling.

The provisions of this section shall apply with the prescribed modifications in the case of births at sea, of which a return is sent to the Registrar General of Births and Deaths in England.

Registration of Deaths.

9. *Registry of death and cause of death.*] The death of every person dying in England after the commencement of this Act, and the cause of such death, shall be registered by the registrar in the manner directed by the Births and Deaths Registration Acts, 1836 to 1874.

10. *Information concerning death where deceased dies in a house.*] When a person dies in a house after the commencement of this Act, it shall be the duty of the nearest relatives of the deceased present at the death, or in attendance during the last illness of the deceased, and in default of such relatives of every other relative of the deceased dwelling or being in the same sub-district as the deceased, and in default of such relatives, of each person present at the death, and of the occupier of the house in which, to his knowledge, the death took place, and in default of the persons hereinbefore in this section mentioned, of each inmate of such house, and of the person causing the body of the deceased person to be buried, to give, to the best of his knowledge and belief, to the registrar, within the five days next following the day of such death, information of the particulars required to be registered concerning such death, and in the presence of the registrar to sign the register.

11. *Information concerning death where deceased dies not in a house.*] Where a person dies in a place which is not a house, or a dead body is found elsewhere than in a house, it shall be the duty of every relative of such deceased person having knowledge of any of the particulars required to be

registered concerning the death, and in default of such relative, of every person present at the death, and of any person finding, and of any person taking charge of the body, and of the person causing the body to be buried, to give to the registrar, within the five days next after the death or the finding, such information of the particulars required to be registered concerning the death as the informant possesses, and in the presence of the registrar to sign the register.

12. *Notice preliminary to information.*] If a person required to give information concerning any death sends to the registrar a written notice of the occurrence of the death, accompanied by such medical certificate of the cause of the death as is required by this Act to be delivered to a registrar, the information of the particulars required by the Births and Deaths Registration Acts, 1836 to 1874 to be registered concerning the death need not be given within the said five days, but shall, notwithstanding such notice, be given within fourteen days next after the day of the death by the person giving such notice, or some other person required by this Act to give the information.

13. *Requisition by registrar of information concerning death from qualified informant.*] Where any death has from the default of the persons required to give information concerning it not been registered, the registrar may, at any time after the expiration of fourteen days and within twelve months from the day of such death or from the finding of the dead body elsewhere than in a house, by notice in writing, require any person required by this Act to give information concerning such death to attend personally at the registrar's office, or at any other place appointed by the registrar within his sub-district, within such time (not less than seven days after the receipt of the notice, nor more than twelve months after the death or finding of the dead body) as may be specified in the notice, and to give the said information to the best of the informant's knowledge and belief, and to sign the register in the presence of the registrar; and it shall be the duty of such person, unless the death is registered before the expiration of the time specified in the requisition, to comply with the requisition.

14. *Duty of registrar to register death gratis.*] It shall be the duty of the registrar to inform himself carefully of every death which happens within his sub-district, and upon receiving personally from the informant at any time within twelve months after the date of any death, or of the finding of any dead body, information of the particulars required to be registered concerning the death from any person required by this Act to give the same, forthwith in the prescribed form and manner to register the death and the said particulars (if not previously registered), without fee or reward from the informant, except that if, in pursuance of a written requisition, he registers the same at the residence of the person making such requisition or at the house where the deceased died, he shall, unless the death took place in a public institution, be entitled to the appointed fee.

15. *Death not to be registered after twelve months.*] After the expiration of twelve months next after any death, or after the finding of any dead body elsewhere than in a house, that death shall not be registered, except with the written authority of the Registrar General for registering the same, and except in accordance with the prescribed rules, and the fact of such authority having been given shall be entered in the register.

Every person who registers or causes to be registered any death in contravention of this section shall be liable to a penalty not exceeding ten pounds.

16. *Furnishing of information by coroner.*] Where an inquest is held on any dead body the jury shall inquire of the particulars required to be registered concerning the death, and the coroner shall send to the registrar, within five days after the finding of the jury is given, a certificate under his hand, giving information concerning the death and specifying the finding of the jury with respect to the said particulars, and to the cause of death, and specifying the time and place at which the inquest was held, and the registrar shall in the prescribed form and manner enter the death and particulars. If the death has been previously registered the said particulars shall be entered in the prescribed manner without any alteration of the original entry.

Where an inquest is held on any dead body no person shall, with respect to such dead body or death, be liable to attend upon a requisition of a registrar, or be subject to any penalty for failing to give information in pursuance of any other provision of this Act.

Burials.

17. *Coroner's order and registrar's certificate for burial.*] A coroner, upon holding an inquest upon any body, may, if he thinks fit, by order under his hand authorise the body to be buried before registry of the death, and shall give such order to the relative of the deceased or other person who causes the body to be buried, or to the undertaker or other person having charge of the funeral; and, except upon holding an inquest, no order, warrant, or other document for the burial of any body shall be given by the coroner.

The registrar, upon registering any death or upon receiving a written requisition to attend at a house to register a death, or upon receiving such written notice of the occurrence of a death, accompanied by a medical certificate as is before provided by this Act, shall forthwith, or as soon after as he is required, give without fee or reward, either to the person giving information concerning the death or sending the requisition or notice, or to the undertaker or other person having charge of the funeral of the deceased, a certificate under his hand that he has registered or received notice of the death, as the case may be.

Every such order of the coroner and certificate of the registrar shall be delivered to the person who buries or performs any funeral or religious service for the burial of the body of the deceased; and any person to whom such order or certificate was given by the coroner or registrar who fails so to deliver or cause to be delivered the same shall be liable to a penalty not exceeding forty shillings.

The person who buries or performs any funeral or religious service for the burial of any dead body, as to which no order or certificate under this section is delivered to him, shall, within seven days after the burial, give notice thereof in writing to the registrar, and if he fail so to do shall be liable to a penalty not exceeding ten pounds.

18. *Burial of deceased children as still-born.*] A person shall not wilfully bury or procure to be buried the body of any deceased child as if it were still-born.

A person who has control over or ordinarily buries bodies in any burial ground shall not permit to be buried in such burial ground the body of any deceased child as if it were still-born, and shall not permit to be buried or bury in such burial ground any still-born child before there is delivered to him either,—

(a.) A written certificate that such child was not born alive, signed by a registered medical practitioner who was in attendance at the birth or has examined the body of such child; or

(b.) A declaration signed by some person who would, if the child had been born alive, have been required by this Act to give information concerning the birth, to the effect that no registered medical practitioner was present at the birth, or that his certificate cannot be obtained, and that the child was not born alive; or

(c.) If there has been an inquest, an order of the coroner. Any person who acts in contravention of this section shall be liable to a penalty not exceeding ten pounds.

19. *Notice where coffin contains more than one body.*] Where there is in the coffin in which any deceased person is brought for burial the body of any other deceased person, or the body of any still-born child, the undertaker or other person who has charge of the funeral shall deliver to the person who buries or performs any funeral or religious service for the burial of such body or bodies notice in writing signed by such undertaker or other person, and stating to the best of his knowledge and belief with respect to each such body the following particulars:

(a.) If the body is the body of a deceased person, the name, sex, and place of abode of the said deceased person;

(b.) If the body has been found exposed, and the name and place of abode are unknown, the fact of the body having been so found and of the said particulars being unknown; and

(c.) If the body is that of a deceased child without a name, or a still-born child the name and place of abode of the father, or, if it is illegitimate, of the mother of such child.

Every person who fails to comply with this section shall be liable to a penalty not exceeding ten pounds.

Certificates of Cause of Death.

20. *Regulations as to certificates of cause of death.*] With

respect to certificates of the cause of death, the following provisions shall have effect:

(1.) The Registrar General shall from time to time furnish to every registrar printed forms of certificates of cause of death by registered medical practitioners, and every registrar shall furnish such forms gratis to any registered medical practitioner residing or practising in such registrar's sub-district:

(2.) In case of the death of any person who has been attended during his last illness by a registered medical practitioner, that practitioner shall sign and give to some person required by this Act to give information concerning the death a certificate stating to the best of his knowledge and belief the cause of death, and such person shall, upon giving information concerning the death, or giving notice of the death, deliver that certificate to the registrar, and the cause of death as stated in that certificate shall be entered in the register, together with the name of the certifying medical practitioner:

(3.) Where an inquest is held on the body of any deceased person a medical certificate of the cause of death need not be given to the registrar, but the certificate of the finding of the jury furnished by the coroner shall be sufficient.

If any person to whom a medical certificate is given by a registered medical practitioner in pursuance of this section fails to deliver that certificate to the registrar, he shall be liable to a penalty not exceeding forty shillings.

Superintendent Registrars and Registrars.

21. *Alteration of registrars' districts.*] The Registrar General, with the sanction of the Local Government Board, may from time to time, if it seem to them fit, alter the districts of registrars by the alteration of the boundaries of districts, by the formation of new districts, or by the union of districts, and may take or cause to be taken all measures which seem to them to be necessary for carrying such alteration into effect, and such alteration shall be made and measures taken accordingly.

Where any superintendent registrar or registrar is deprived of his office or part of his emolument by such alteration, formation, or union, or by the operation of any Act now in force, compensation may be awarded to him by the like authorities and in the like manner as compensation may be awarded under the Acts relating to the relief of the poor to any officer of a union who is deprived of his office by reason of a union being dissolved or altered, and the persons by whom and funds from which such compensation is to be paid shall be determined in like manner.

Every change in the district of a registrar shall be published by advertisement or otherwise as the Local Government Board direct as being in their opinion best calculated for giving information to all persons in the district.

Every district of a registrar, whether formed before or after the commencement of this Act, shall be termed a sub-district.

22. *Extension of 7 Will. 4. § 1 Vict. c. 22. ss. 10 and 11, to all unions.*] Sections ten and eleven of "The Births and Deaths Registration Act, 1837," which relate to uniting any two or more unions, parishes, or places, or any two or more superintendent registrars' districts into one superintendent registrar's district, and to dividing a union, parish, or place, or a superintendent registrar's district into two or more superintendent registrars' districts, shall apply to a union with guardians acting under a Local Act, and to a temporary superintendent registrar's district in like manner as it applies to a union with guardians acting under "The Poor Law Amendment Act, 1834," and to a superintendent registrar's district which is not temporary.

23. *Prosecution by superintendent registrar.*] It shall be lawful for any superintendent registrar, subject to the prescribed rules, to prosecute any person guilty of any offence under the Births and Deaths Registration Acts, 1836 to 1874 committed within the district of such superintendent registrar, and the costs incurred by the superintendent registrar in such prosecution, which are not otherwise by law provided for, shall be defrayed out of moneys to be provided by Parliament.

24. *Appointment of deputy by superintendent registrar and registrar.*] Every superintendent registrar shall from time to time, by writing under his hand, appoint, with the approval of the Registrar General, a fit person to act as his deputy in case of his illness or unavoidable absence, or in any prescribed

case; and every such deputy while so acting shall have all the powers and fulfil all the duties and be subject to all the obligations by the Births and Deaths Registration Acts, 1836 to 1874, or any of them, given to or imposed on the superintendent registrar whose deputy he is.

Such deputy shall hold his office during the pleasure of the superintendent registrar by whom he is appointed, but shall be removable from his office by the Registrar General.

Every superintendent registrar shall be civilly responsible for the acts or omissions of his deputy.

The provisions of this section shall apply to registrars in like manner as if it were enacted with the word registrar substituted for superintendent registrar.

25. *Interim registrars.* [If any superintendent registrar dies, resigns, or otherwise ceases to hold his office, his deputy shall be interim superintendent registrar.]

Every interim superintendent registrar shall act as superintendent registrar and have all the powers and perform all the duties and be subject to all the obligations of a superintendent registrar until another is duly appointed.

The provisions of this section shall apply to a registrar in like manner as if it were enacted with the substitution of the word registrar for superintendent registrar.

If a registrar for any sub-district dies, resigns, or otherwise ceases to hold his office, and there is no interim registrar, then the superintendent registrar shall, when so required by the Registrar General, appoint an interim registrar for such sub-district.

26. *Residence, office, and station of registrar and deputy registrar in sub-district.* [Every registrar and deputy registrar shall either dwell in or have a known office within the sub-district of which he is registrar or deputy registrar.]

Every registrar shall, if so directed by the Registrar General, appoint within or contiguous to his sub-district a station or stations as may be directed by the Registrar General. Every such station shall, for the purposes of the provisions of this Act with respect to the attendance of persons and registration of births and deaths at the office of the registrar, be deemed to be his office.

Every registrar and deputy registrar shall attend at his dwelling-house or office and at each such station on the day and at the hours approved by the Registrar General, for the purpose of registering births and deaths.

Every registrar shall cause to be placed in some conspicuous place on or near the outer door of the dwelling house or office which he has within his sub-district his name, with the addition of registrar for the sub-district for which he is registrar, and the hours of his attendance as approved by the Registrar General; and a list of such registrars in any union, with their residences, shall be kept at the workhouse of such union, and at each police-station within such union.

27. *Fees of superintendent registrars and registrars.* [Every superintendent registrar and registrar respectively shall be entitled to the fees specified in the second schedule to this Act, and every such fee shall be paid to him by the persons and on the occasions pointed out in such schedule, and may be recovered as a debt due to him, and subject to the prescribed rules he may refuse to comply with any application voluntarily made to him until the fee is paid.]

28. *Returns of registrars to sanitary authorities.* [Every registrar, when and as required by a sanitary authority, as defined by the Public Health Act, 1872, shall transmit by post or otherwise a return, certified under the hand of such registrar to be a true return, of such of the particulars registered by him concerning any death as may be specified in the requisition of the sanitary authority.]

The sanitary authority may supply a form of the prescribed character, for the purpose of the return, and in that case the return shall be made in the form so supplied.

The registrar making such return shall be entitled to a fee of twopence, and to a further fee of twopence for every death entered in such return, which fee shall be paid by the authority requiring the return.

29. *Certificates of birth for purposes of school boards and of public elementary schools.* [Where the age of any child is required to be ascertained or proved for any purpose connected with elementary education or employment in labour of such child, any school board or any managers appointed by a school board, or any persons managing a public elementary school, or any of her Majesty's inspectors of schools may issue a written requisition in the prescribed form, and stating the prescribed particulars as to the child.]

The person to whom such requisition is given shall, on delivery thereof and payment of a fee of one shilling, be entitled to obtain a certified copy under the hand of the registrar or superintendent registrar of the entry in the register of the birth of the child named in the requisition.

30. *Certificate of birth having been registered.* [A registrar shall, upon demand made at the time of registering any birth by the person giving the information concerning the birth, and upon payment of a fee not exceeding threepence, give to such person a certificate under his hand, in the prescribed form, of having registered that birth.]

31. *Remuneration of registrars.* [The payment to the registrar under section twenty-nine of the principal Act of two shillings and sixpence for each of the first twenty entries of births and deaths in every year which he has registered shall be paid to him for each of the first twenty entries of births and deaths in each quarterly account made out and verified in manner directed by that Act.]

32. *Supply of forms and making of indexes.* [The Registrar General shall supply to every superintendent registrar suitable forms wherein to make indexes of the register books in his office, and such superintendent registrar shall cause such indexes to be made and to be kept with the other records of his office.]

All such indexes, whether made before or after the commencement of this Act, shall be kept by the superintendent registrar with the records of his office, and shall be delivered with the same to his successor in office, as directed by the principal Act.

Every person shall be entitled at all reasonable hours to search the said indexes, and to have a certified copy of any entry or entries in the said register books under the hand of the superintendent registrar on payment in each case of the appointed fee.

33. *Providing of register offices and fireproof repositories.* [4 & 5 W. 4, c. 76.] The guardians of any union acting under a Local Act shall be subject to the same obligation of providing and upholding register offices as guardians of a union acting under the Poor Law Amendment Act, 1834, are subject to under section nine of the principal Act.

Every register office of a district formed before or after the commencement of this Act shall be provided by the guardians, at the expense of their common fund, with a suitable fireproof repository or iron boxes for the safe custody of the registers, made according to the plan and placed in the office approved by the Registrar General.

Until a register office, as approved by the Registrar General, is provided by the guardians in any superintendent registrar's district, the superintendent registrar shall appropriate some fit room, to be approved by the Registrar General, as a temporary register office. Such guardians shall pay a reasonable rent for the said room out of their common fund to the superintendent registrar.

34. *Each of united unions to contribute to expense of registration office.* [Where any union, parish, or place is united to any other union, parish, or place under section ten of the Births and Deaths Registration Act, 1873, as amended by this Act, the guardians acting for each union, parish, or place so united as aforesaid shall contribute to the expense of providing and upholding a register office in proportion to the population of each such union, parish, or place, as ascertained by the last published census for the time being.]

35. *Penalty for omission to register or loss of registers.* [Every registrar who refuses or without reasonable cause omits to register any birth or death or particulars concerning which information has been tendered to him by an informant, and which he ought to register, and every person having the custody of any register book of births and deaths who carelessly loses or injures or allows the injury of the same, shall be liable to a penalty not exceeding fifty pounds.]

Correction of Errors.

36. *Correction of errors in registers.* [With regard to the correction of errors in registers of births and deaths, it shall be enacted as follows:]

- (1.) No alteration in any such register shall be made except as authorised by this Act;
- (2.) Any clerical error which may from time to time be discovered in any such register may be corrected by any person authorised in that behalf by the Registrar General, subject to the prescribed rules:

- (3.) An error of fact or substance in any such register may be corrected by entry in the margin (without any alteration of the original entry) by the officer having the custody of the register, upon payment of the appointed fee and upon production to him by the person requiring such error to be corrected of a statutory declaration setting forth the nature of the error and the true facts of the case, and made by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made, or in default of such persons then by two credible persons having knowledge of the truth of the case:
- (4.) Where an error of fact or substance (other than an error relating to the cause of death) occurs in the information given by a coroner's certificate concerning a dead body upon which he has held an inquest, the coroner, if satisfied by evidence on oath or statutory declaration that such error exists, may certify under his hand to the officer having the custody of the register in which such information is entered the nature of the error and the true facts of the case as ascertained by him on such evidence, and the error may thereupon be corrected by such officer in the register by entering in the margin (without any alteration of the original entry) the facts as so certified by the coroner.

Registration of Births and Deaths at Sea.

37. *Registration of births and deaths at sea.* The provisions of this Act, save as is herein expressly provided, shall not apply to the registration of births and deaths on board a vessel at sea, with respect to which the following provisions shall have effect:

- (1.) The captain or master of or other person having the command or charge of a British ship shall, as soon as may be after the occurrence of the birth of a child or the death of a person on board such ship, record in his log-book or otherwise the fact of such birth or death, and the particulars required by the fourth schedule to this Act to be registered concerning such birth or death, or such of them as may be known to him, and shall (unless the ship is one of her Majesty's ships,) upon the arrival of such ship at any port of the United Kingdom, or at such other time or place as the Board of Trade may from time to time with respect to any ship or class of ships direct, deliver or send, in such form and manner as the Board of Trade may from time to time direct, a return of the facts so recorded to the Registrar General of Shipping and Seamen.
- (2.) Where a ship which is not a British ship carries passengers to or from any port of the United Kingdom as the port of destination or the port of departure of such ship, the provisions of this section shall apply to the captain or master of or other person having the command or charge of such ship, in like manner as if it were a British ship.
- (3.) Where the said return is directed by the Board of Trade (whether the ship is British or foreign) to be delivered upon the arrival of the ship, or the discharge of the crew, or otherwise, at any port or place out of the United Kingdom, the Board of Trade may, if they think fit, direct that the return instead of being delivered to the Registrar General of Shipping and Seamen shall be delivered, and the same shall accordingly be delivered, if such port or place is within her Majesty's dominions, to the shipping master or collector of customs at such port or place, and if it is a foreign port or place, to the principal British consular officer at the said foreign port or place, and such shipping master, collector, or officer shall send the same, as soon as may be, by post or otherwise, to the Registrar General of Shipping and Seamen.
- (4.) Where it appears from any such return that the father of any child so born, or if the child is a bastard the mother of such child, was a Scotch or Irish subject of her Majesty, or that any person whose death is mentioned in such return was a Scotch or Irish subject of her Majesty, the Registrar General of Shipping and Seamen shall from time to time send a certified copy of so much of the return as relates

to such birth or death to the Registrar General of Births and Deaths in Scotland or Ireland, as the case may require.

- (5.) The Registrar General of Shipping and Seamen shall from time to time send to the Registrar General of Births and Deaths in England a certified copy of every other such return, or of that part of every such return which is not so sent to the Registrar General of Births and Deaths in Scotland or Ireland.
- (6.) A captain of or other person having charge of one of her Majesty's ships shall, upon the arrival of any such ship in any port of the United Kingdom, or at such other time as the Commissioners of the Admiralty may from time to time direct, deliver or send, in such manner and form as the said Commissioners may from time to time direct, a return of the facts recorded in pursuance of this section to that Registrar General of Births and Deaths to whom a copy of such return would, if the ship were a merchant ship, be sent under the provisions of this section by the Registrar General of Shipping and Seamen.
- (7.) Every Registrar General of Births and Deaths to whom a copy of any return or a return is sent in pursuance of this section shall cause the same to be filed and preserved in or copied in a book to be kept by him for the purpose, and to be called a marine register book, and such book shall be deemed to be a certified copy of a register book within the meaning of the Acts relating to the registration of births and deaths in England, Scotland, and Ireland respectively.
- (8.) Every captain or master of or other person having charge of a ship who fails to comply with this section shall be liable to a penalty not exceeding five pounds for each offence; and such penalty may be recovered in the same courts and places and in the like manner, and when recovered shall be applied in like manner, as a penalty under the Merchant Shipping Act, 1854.
- (9.) This section shall extend to all places and persons within British jurisdiction.
- (10.) Terms in this section shall have the same meaning as in the Merchant Shipping Act, 1854.

Miscellaneous.

38. *Register when not evidence.* An entry or certified copy of an entry of a birth or death in a register under the Births and Deaths Registration Acts, 1836 to 1874, or in a certified copy of such a register, shall not be evidence of such birth or death, unless such entry either purports to be signed by some person professing to be the informant and to be such a person as is required by law at the date of such entry to give to the registrar information concerning such birth or death, or purports to be made upon a certificate from a coroner, or in pursuance of the provisions of this Act with respect to the registration of births and deaths at sea.

When more than three months have intervened between the day of the birth and the day of the registration of the birth of any child, the entry or certified copy of the entry made after the commencement of this Act of the birth of such child in a register under the Births and Deaths Registration Acts, 1836 to 1874, or in a certified copy of such a register, shall not be evidence of such birth unless such entry purports,

- (a) if it appear that not more than twelve months have so intervened, to be signed by the superintendent registrar as well as by the registrar; or,
- (b) if more than twelve months have so intervened, to have been made with the authority of the Registrar General, and in accordance with the prescribed rules.

Where more than twelve months have intervened between the day of a death or the finding of a dead body and the day of the registration of the death or the finding of such body, the entry or certified copy of the entry made after the commencement of this Act of the death in a register under the Births and Deaths Registration Acts, 1836 to 1874, or in a certified copy of such register, shall not be evidence of such death, unless such entry purports to have been made with the authority of the Registrar General, and in accordance with the prescribed rules.

39. *Penalty for not giving information, complying with requisition, &c.* Every person required by the Births and

Deaths Registration Acts, 1836 to 1874, to give information concerning any birth or death or any living new-born child, or any dead body, who wilfully refuses to answer any question put to him by the registrar relating to the particulars required to be registered concerning such birth or death, or fails to comply with any requisition of the registrar made in pursuance of those Acts, and every person who refuses or fails without reasonable excuse to give or send any certificate in accordance with the provisions of the said Acts, shall be liable to a penalty not exceeding forty shillings for each offence; and the parent of any child who fails to give information concerning the birth of such child, as required by the said Acts, shall be liable to a like penalty; and a person required by the said Acts to give information concerning a death in the first instance, and not merely in default of some other person, shall, if such information as is required by the said Acts is not duly given, be liable to the same penalty.

40. *Penalty for false statements, &c.*] Any person who commits any of the following offences; that is to say,

- (1.) Wilfully makes any false answer to any question put to him by a registrar relating to the particulars required to be registered concerning any birth or death, or wilfully gives to a registrar any false information concerning any birth or death, or the cause of any death; or,
- (2.) Wilfully makes any false certificate or declaration under or for the purpose of this Act, or forges or falsifies any such certificate or declaration, or any order under this Act, or, knowing any such certificate, declaration, or order to be false or forged, uses the same as true, or gives or sends the same as true to any person; or,
- (3.) Wilfully makes, gives, or uses any false statement or representation as to a child born alive having been still-born, or as to the body of the deceased person or a still-born child in any coffin, or falsely pretends that any child born alive was still-born; or
- (4.) Makes any false statement with intent to have the same entered in any register of births or deaths; shall for each offence be liable on summary conviction to a penalty not exceeding ten pounds, and on conviction on indictment to fine or to imprisonment with or without hard labour for a term not exceeding two years, or to penal servitude for a term not exceeding seven years.

41. *Sending Certificates, &c., by post.*] All notices, informations, declarations, certificates, requisitions, returns, and other documents required or authorised by this Act to be delivered, sent, or given to the Registrar General, a superintendent registrar, or a registrar, or by a registrar to a person who is required to give information concerning any birth or death, or who gives notice of any death, may be sent by post in a prepaid letter, and the date at which they would be delivered to the person to whom they are sent in the ordinary course of post shall be deemed to be the date at which they are received; and in proving such sending, it shall be sufficient to prove that the letter was prepaid, properly addressed, and put into the post.

42. *Explanation of 6 & 7 W. 4, c. 86, ss. 36, 37.*] In the principal Act and this Act,—

The term "general search" shall mean a search during any number of successive hours not exceeding six, without stating the object of the search; and

The term "particular search" shall mean a search over any period not exceeding five years for any given entry.

43. *Use of forms.*] The forms in the first schedule to this Act, or forms as nearly resembling the same as circumstances admit, shall be used in all cases in which they are applicable, and when so used shall be valid in law.

44. *Power of Local Government Board and Registrar General to alter forms in schedules under 6 & 7 W. 4, c. 86, and make regulations.*] It shall be lawful for the Local Government Board or the Registrar General, with the consent of the Local Government Board, by order to alter from time to time all or any of the forms contained in the schedules to the principal Act and this Act, or in any order under this section, in such manner as may appear to them best for carrying into effect the Births and Deaths Registration Acts, 1836 to 1874, or to prescribe new forms for that purpose, and from time to time to make regulations for prescribing any matters authorised by this Act to be prescribed, and to revoke and alter such regulations.

Any order made in pursuance of this section shall be published in the London Gazette, and shall be laid before both Houses of Parliament, if Parliament is sitting, within fourteen days after the issue of the same, or if Parliament is not then sitting, within fourteen days after the commencement of the then next session.

Every form when altered in pursuance of this section shall have the same effect as if it had been contained in a schedule to the principal Act or this Act, as the case may be, and every regulation made in pursuance of this section shall, while in force, have the same effect as if it were enacted in this Act.

45. *Recovery of penalties.*] All fines and forfeitures imposed by the principal Act and all penalties imposed by this Act may, unless otherwise directed, be recovered on summary conviction before two justices in manner directed by the Summary Jurisdiction Acts, and when so recovered shall be paid into the receipt of her Majesty's Exchequer in such manner as the Treasury may from time to time direct, and be carried to the Consolidated Fund.

Where the court of summary jurisdiction before whom a person is charged summarily with an offence under this Act, which is also punishable on indictment, think that proceedings ought to be taken against such person by indictment, they may adjourn the case to enable such proceedings to be taken.

46. *Time for prosecution of offence.*] A prosecution on indictment for an offence under this Act shall be commenced within three years after the commission of such offence.

47. *Particulars required to be registered concerning birth or death.*] The particulars required to be registered concerning a birth or death shall be the particulars specified in the forms in Schedules A. and B. respectively to the principal Act, as amended by the Births and Deaths Registration Act, 1837, and by this Act, or as altered in pursuance of this Act.

48. *Interpretation.*] In this Act, if not inconsistent with the context,—

The term "public institution" means a prison, lock-up, workhouse, lunatic asylum, hospital, and any prescribed public or charitable institution;

The term "house" includes a public institution as above defined;

The term "occupier" includes the governor, keeper, master, matron, superintendent, or other chief resident officer of every public institution, and where a house is let in separate apartments or lodgings includes any person residing in such house who is the person under whom such lodgings or separate apartments are immediately held, or his agent;

The term "relative" includes a relative by marriage;

The term "prescribed" means prescribed by regulations made from time to time in pursuance of section five of the principal Act or of this Act;

The term "appointed fee" means the fee specified in the second schedule to this Act;

The term "guardians" includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor;

The term "union" means any union, or incorporation of parishes under any general or local Act, and includes any single parish having guardians under any such Act;

The term "common fund" means, in the case of a single parish, the fund out of which the expenses of the guardians of such parish are paid;

The term "Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intitled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same;

The term "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts, or any Acts therein referred to.

49. *Definition of registrar and superintendent registrar.*] Where reference is made in this Act to a registrar or superintendent registrar in connexion with any birth or death

or other event, or any register, such reference shall (unless the contrary be expressed) be deemed to be made to the registrar who is the registrar for the sub-district in which such birth or death or other event took place, or who keeps the register in which the birth or death or other event is or is required to be registered, or who keeps the register referred to, and to the superintendent registrar who superintends such registrar as aforesaid.

50. *Commencement.*] This Act shall not come into operation until the first day of January one thousand eight hundred and seventy-five, which day is referred to in this Act as the commencement of this Act.

51. *Extent of Act.*] This Act, save as is herein otherwise expressly provided, shall extend only to England and Wales.

52. *Construction of Act with 6 & 7 W. 4, c. 86, and 7 W. 4, & 1 Vict. c. 22, and 21 & 22 Vict. c. 25, and short title.*] This Act shall, so far as is consistent with the tenor thereof, be construed as one with so much as is unrepealed of the Acts mentioned in the third schedule to this Act, and the first of those Acts is in this Act referred to as the principal Act, and each of those Acts may be cited as the Births and Deaths Registration Act of the year in which it was passed, and those Acts, together with this Act, may be cited as the Births and Deaths Registration Acts, 1836 to 1874.

53. *Short title.*] This Act may be cited as the "Births and Deaths Registration Act, 1874."

Repeal.

54. *Repeal of Acts in schedule.*] The Acts specified in the fifth schedule to this Act are hereby repealed, from and after the commencement of this Act, to the extent specified in the third column of that schedule.

Provided that this repeal shall not affect—

- (a.) Anything duly done or suffered under any enactment hereby repealed, or the proof of any past act or thing;
- (b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or,
- (c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed: or,
- (d.) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

SCHEDULES.

FIRST SCHEDULE.

FORMS.

FORM CERTIFYING NAME GIVEN IN BAPTISM.

I of in the county of do hereby certify, that on the 18 I baptized by the name of a male child produced to me by as the of and declared by the said to have been born at on the 18 Witness my hand, this 18 Signed by officiating minister.

FORM CERTIFYING NAME not in BAPTISM.

I do hereby certify that the male child born on the , at in the county of , to and his wife, and registered in the sub-district of on the 18, has (without being baptized) received the name of . Witness my hand, this 18 } of

SECOND SCHEDULE

Fees to Registrars and Superintendent Registrars.

For registering a birth or death when required to do so at residence of person signing requisition, or at house where child born or person died (not being a public institution), to registrar one shilling, to be paid by the informant.

Upon the registration of a birth when the child is more than three months old, if it is not more than twelve months old, to superintendent registrar two shillings and sixpence, and to the registrar (unless the delay is occasioned by his failure to issue a requisition, or otherwise by his default) two shillings and sixpence and if it is more than twelve months old, and is registered with the authority of the Registrar General, to superintendent registrar five shillings, and the registrar (unless the delay is occasioned by his failure to issue a requisition or otherwise by his default) five shillings, to be paid by the informant or declarant.

Upon the registration of a death with the authority of the Registrar General after the expiration of twelve months, to the superintendent registrar five shillings, and to the registrar (unless the delay is occasioned by his failure to

issue a requisition or otherwise by his default) five shillings, to be paid by the informant or declarant.

For taking, attesting, and transmitting a declaration made by an informant respecting a birth in another sub-district, to the registrar attesting the declaration two shillings, to be paid by the informant.

For entering the baptismal or other name of child upon certificate produced after registry of birth, to superintendent registrar or registrar one shilling, to be paid by the person procuring the name to be entered.

Correction of error of fact in register, to superintendent registrar or registrar two shillings and sixpence, to be paid by the person requiring the error to be corrected.

For every search, to the superintendent registrar, to be paid by the applicant for the search, if it is a general search, five shillings, if it is a particular search, one shilling.

For a certified copy of any entry given by the superintendent registrar, two shillings and sixpence to the superintendent registrar, to be paid by the applicant.

THIRD SCHEDULE.

Births and Deaths Registration Acts.

Session and Chapter.	Title.
6 & 7 Will. 4, c. 86. 7 Will. 4 & 1 Vict. c. 22.	An Act for registering births, deaths, and marriages in England. An Act to explain and amend the Acts passed in the last session of Parliament for marriage, and for registering births, deaths, and marriages in England.
21 & 22 Vict. c. 25.	An Act to amend the Act concerning non-parochial registers, and the Acts for marriages, and for registering births, deaths, and marriages in England, and concerning vaccination.

FOURTH SCHEDULE.

Particulars to be registered by Captain of a Ship concerning a Birth at Sea.

Date of birth.
Name (if any) and sex of the child.
Name and surname, and rank, profession, or occupation of the father.
Name and surname, and maiden surname of mother.
Nationality and last place of abode of the father and mother.

Particulars to be registered by Captain of a Ship concerning a Death at Sea.

Date of death.
Name and surname.
Sex.
Age.
Rank, profession, or occupation.
Nationality and last place of abode.
Cause of death.

FIFTH SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Portions of Acts which have already been specifically repealed are in some instances included in the repeal in this schedule, in order to preclude henceforth the necessity of looking back to previous Acts.

Session and Chapter.	Title or Abbreviated Title.	Extent of Repeal.
6 & 7 Will. 4, c. 86.	An Act for registering births, deaths, and marriages in England.	Sections one, four, twelve, and sixteen, section eighteen from "as herein-after provided at a reasonable price" to the end of the section, sections nineteen to twenty-eight, section thirty-six, section thirty-nine from "according to the provisions of" to the end of the section, so much of sections forty-one, forty-two and forty-four as relates to registrars or registers of births and deaths, sections forty-five and fifty, and schedules (E.), (F.), and (G.)
7 Will 4 & 1 Vict. c. 22.	An Act to explain and amend two Acts passed in the last session of Parliament, for marriages, and for registering births, deaths, and marriages in England.	Sections two, four, six, thirteen, sixteen, twenty-one, twenty-five, and thirty-one.
17 & 18 Vict. c. 80.	An Act to provide for the better registration of births, deaths, and marriages in Scotland.	Sections thirty and forty-three.
17 & 18 Vict. c. 104.	The Merchant Shipping Act, 1854.	Sections two hundred and seventy-three and two hundred and eighty-two, so far as they relate to the entry of any birth or death.
18 & 19 Vict. c. 119.	Passengers Act, 1855.	Section sixteen from "and the said master shall note in writing" down to "An Act for registering births, deaths, and marriages in England," and section one hundred from "such emigration or customs officer" to the end of the section.
21 & 22 Vict. c. 25.	An Act to amend the Act concerning non-parochial registers, and the Acts for marriages, and for registering births, deaths, and marriages in England, and concerning vaccination.	The whole Act, except sections one to four.
26 & 27 Vict. c. 11.	An Act for the registration of births and deaths in Ireland.	Sections thirty-nine and forty.

CAP. LXXXIX.

An Act to amend and extend the Sanitary Laws.

[7th August, 1874.]

Whereas it is expedient that the Sanitary Acts should be explained and amended, and that sundry other provisions should be made to extend the same :

Be it therefore enacted, &c.

Explanation and Amendment of Public Health Act, 1872.

1. *Rural sanitary authority and board of guardians declared to be the same authority.* It is hereby declared that the rural sanitary authority is the same body as the board of guardians of the union or parish for or within which such authority acts, and that all statutes, orders, and legal provisions applicable to a board of guardians apply to them when acting as such rural sanitary authority, except so far as any provision of the Public Health Act, 1872 (herein termed the principal Act), relating to the acting or voting of a guardian or otherwise, may be to the contrary.

2. *Where first meeting not held in accordance with 35 &*

36 *Vict. c. 79, s. 6.]* Where any sanitary authority shall be acting in the execution of the said Act, their proceedings from the time when they have so acted or shall hereafter so act, shall be deemed, if otherwise not invalid, to be legal, notwithstanding that a first meeting was not held by them in accordance with section six of the said Act; and their first meeting after the passing of the said Act shall be deemed their first meeting within the meaning of the seventh, eighth, and ninth sections of that Act.

3. *The transfer of powers of sanitary authorities applies to authorities under local Acts.* Whereas doubts have arisen as to the extent and meaning of the seventh section of the principal Act: Be it therefore declared and enacted, that the provisions of the said section shall be deemed to have applied to every authority acting at the time of the passing of the principal Act under the powers conferred upon them by a Local Act with respect to any sanitary purposes, and that all the powers, rights, duties, capacities, liabilities, and obligations of any authority having jurisdiction under a Local Act in the district of an urban sanitary authority at the time of the passing of the principal Act, so far as they or any of them

related to such purposes, were transferred to and became attached to the urban sanitary authority therein referred to.

Proviso as to certain turnpike trustees.] Provided that where any body of turnpike trustees have powers for any such sanitary purposes as aforesaid under a Local Act, such trustees shall not be deemed to be an urban sanitary authority, but all their powers and obligations under such Acts for such purposes shall be transferred to the sanitary authority within whose district the area to which the Local Act applies shall be locally contained.

Provided that all acts, matters, rates, orders, or other things heretofore done, performed, assessed, or made by any authority under any Local Act in this section referred to, or commenced and not completed at the time when this Act shall come into operation, shall be legal, notwithstanding the said enactment, if not otherwise invalid.

4. *Transfer of property in such cases.*] It is also further declared and enacted, that the transfer of property provided for in section nine of the principal Act applies to the property of the authority acting under the powers conferred upon them by a Local Act for sanitary purposes, so far as such property is held for such purposes.

Provided that the dealing of any such authority with property previously vested in them before the passing of this Act, and not already brought into question in any court of law, shall be valid, notwithstanding the principal Act or this section.

5. *Provision for the joint appointment of officers.*] Whereas provision is made in the tenth section of the principal Act for the joint appointment of certain officers for two or more sanitary districts, but the mode of making such joint appointment is not prescribed: When, therefore, two or more sanitary authorities agree to join in the appointment of a medical officer of health or inspector of nuisances, the Local Government Board, if they approve of the agreement, shall, by order, prescribe the manner in which such officer shall be elected by the authorities so joining in the appointment, and determine the proportions in which the reasonable expenses of and incident to such election shall be borne by such authorities respectively.

6. *Assistant clerk may be appointed instead of clerk.*] If the clerk to the board of guardians of any union or parish be unwilling or incompetent to act for them in discharge of their duties as rural sanitary authority, they may appoint their assistant clerk to act for them as their clerk in such matters, with remuneration as in the principal Act is provided.

7. *Parochial committeeman's qualification.*] The qualification, so far as regards rating, of a member of the parochial committee authorised to be appointed by the rural sanitary authority in any parish or contributory place where no separate rate is in force for sanitary purposes shall be that he shall contribute or be liable to contribute to the poor rate in such parish or contributory place.

Provision as to their expenses.] A parochial committee may be empowered by the rural sanitary authority to incur expenses to such amount as shall be prescribed by such authority, but must not exceed such amount.

Of parochial expenses.] It shall report the expenditure so incurred from time to time to the authority, according to the directions of such authority; and the amount so reported, if otherwise legally incurred, shall be discharged by the authority as other demands upon it are discharged.

8. *Expenses in urban sanitary authority.*] Whereas doubts have arisen as to the meaning of the proviso to the sixteenth section of the principal Act, with reference to the rate therein mentioned as a rate levied within the district: Be it therefore declared, that such rate shall signify one which is levied throughout the whole of the district.

Provided that where any charges to which that section refers have been defrayed out of any rate before the passing of this Act, the same, if not heretofore questioned in any court of law, shall be deemed to have been legally defrayed, so far as any objection could arise out of the proviso in this section referred to.

Provided further, that when any charges directed by the said sixteenth section of the principal Act to be paid in the case of a council of a borough out of the borough fund or borough rate have been hitherto divided between the landlord and tenant in moieties or otherwise, under the provisions of any Local Act in that behalf, the Local Government Board

may, upon application, by their order, make provision for the continuance of such division of the charges between parties during the continuance of any contract existing at the passing of the Act.

9. *Provisional order may change incidence of charge.*] If application be made to the Local Government Board, whereby it shall be alleged that it would be inequitable or inconvenient in the district of any urban sanitary authority that the expenses referred to in the said sixteenth section of the principal Act should be borne as therein provided, the said Board may, after inquiry by a provisional order, alter the incidence of such charge in respect of the whole or some of the expenditure referred to, as to them shall appear to be fair and equitable.

10. *Special expenses.*] Special expenses, as defined by section seventeen of the principal Act, shall include the expenses of the maintenance and cleansing of sewers and streets, of providing, repairing, and cleansing public wells, tanks, cisterns, and pumps, of lighting, where duly authorised, in any contributory place, and the charges or expenses arising out of or incidental to the possession of property transferred to the rural sanitary authority in trust for any parish, district, or contributory place.

11. *Provision for special expenses of small amounts.*] Whereas the amount of charges for special expenses is sometimes so small in contributory places that no special rate could be conveniently assessed for the same: where, therefore, the amount required in respect of special expenses in any one year is less than ten pounds, or is so small that a rate less than one penny in the pound would be required to raise the same, the overseers shall not assess and levy any special rate for the same, but shall pay the same out of the poor rate.

12. *Riparian authorities to have representatives on port sanitary board.*] Where a sanitary authority is constituted a port sanitary authority for any port which contains more than one riparian authority, every riparian authority, other than the port authority itself, shall, if authorised by the order of the Local Government Board to do so, send to the meetings of the port sanitary authority, as representative or representatives of such riparian authority, some member or members of their own board, and such representative members shall be empowered to act as part of the board of the port sanitary authority in respect of all matters entrusted to such authority.

The number of members to be assigned to each riparian authority shall be determined by the Local Government Board; and such Board may, by order, unite two or more riparian authorities for the election of one representative, and determine the mode of such election.

13. *Riparian authority may be exempted from contribution.*] Where several riparian authorities are combined in the district of one port authority the Local Government Board may declare that some one or more of such authorities shall be exempt from contributing to the expenses incurred by such authorities.

14. *The sanitary authorities of several ports may be combined.*] The Local Government Board may combine the sanitary authorities of several ports into one body to form a port sanitary authority for a district, and assign to such authority a title, and otherwise proceed as in the case of a port sanitary authority provided for by the twentieth section of the principal Act.

And such combination shall be a united district, to which all the provisions of the said Act which relate to such a district shall apply, except the necessity for the previous application to the Local Government Board and the previous inquiry.

15. *Provisional orders for dissolution of districts.*] When the Local Government Board propose by an order to dissolve a district, to detach part of an existing district, and to form another district out of the dissolved district and such other part, they may do so by one provisional order.

And when they form an urban sanitary district under section twenty-four of the principal Act, they may, by the order constituting the district, if they see fit, divide the district into wards for the election of members.

16. *Provisional orders under sect. 33 of 35 & 36 Vict. c. 79.*] The Local Government Board may, when applied to by the

sanitary authority for the alteration or amendment of any Local Act under section thirty-three of the principal Act, extend the provisions of any Local Act therein referred to beyond the boundaries of the district comprised therein, or diminish the area to which such Local Act shall apply, by provisional order.

17. *Extension of 35 & 36 Vict. c. 79, s. 39, as to adjustment of accounts.*] The thirty-ninth section of the principal Act, which provides for the adjustment of accounts, shall apply to cases of transfer or alleged transfer subsequent to the passing of the said Act, made by the operation of that Act, or under any provisional order of the Local Government Board, and such Board may include any settlement or adjustment made in accordance with such section in any provisional order which may give rise to the same.

18. *Compensation to officers deprived by any provisional order.*] The power of awarding compensation to officers conferred by the thirty-third section of the principal Act shall be extended to officers who may be deprived of their office by reason of that Act or of any provisional order made under the authority thereof.

Amendments of other Sanitary Acts. Powers and Duties of Sanitary Authorities.

19. *Expenses of police officer acting under 29 & 30 Vict. c. 90, s. 16, provided for.*] Where, under the directions of the Local Government Board, the chief officer of police in any place institutes proceedings under the sixteenth section of the Sanitary Act, 1866, he shall be entitled to recover from the authority in default all such expenses in and about such proceedings as he may incur, and as shall not be paid by the party proceeded against.

20. *Order against a defaulting sanitary authority may be enforced by mandamus.*] When the Local Government Board shall have at any time made any order under the forty-ninth section of the Sanitary Act, 1866, limiting the time for the performance by any authority of its duty, such order may be enforced by writ of mandamus, notwithstanding the provision in the said section contained for the performance of the duty in the event of the continued default of the sanitary authority.

21. *Duty of urban authority to cleanse streets, privies, and ashpits.*] Every urban sanitary authority, and every rural sanitary authority who shall have been invested with the requisite powers, shall, when the Local Government Board by order so direct, make due provision for the proper cleansing of streets, the removal of house refuse from premises, and the cleansing of earth closets, privies, ashpits, and cesspools within its district.

Penalty on neglect of sanitary authority to cleanse privies or ashpits.] If any sanitary authority having made such provision fail, without reasonable excuse, after notice in writing from the occupier of any house situated in such district requiring such authority to remove any house refuse, or to cleanse any earth closet, privy, cesspool, or ashpit belonging to such house, or used by the inmates or occupiers thereof, to cause the same to be removed or cleansed, as the case may be, within seven days, the sanitary authority shall on summary conviction be liable to pay to the occupier of such house a penalty not exceeding five shillings for every day during which such default continues after the expiration of the said period.

Constitution and Election of Local Boards.

22. *Statements of owners to remain available for all subsequent proceedings.*] When an owner shall have made or shall hereafter make a claim to vote in any matter to which the Sanitary Acts apply, and shall have sent in his claim according to the provisions applicable thereto, such claim, if legally valid otherwise, shall remain in force for all occasions, so long as the owner shall continue to be qualified to vote as owner, unless he shall withdraw the same.

Appointments of proxies.] And the appointment of a proxy authorised to be given by any of the said Acts shall continue in force for all occasions, until revoked, or the proxy resign, or the qualification of the corporation, company, or body making the appointment shall cease.

23. *Register of owners to be kept.*] The local board shall cause a register to be made and kept, and from time to time revised, in which shall be entered the names, addresses, and qualifications of the owners making claims, and the names

or descriptions, addresses, and qualifications of the bodies appointing the proxies; and the names and addresses of such proxies; and such register shall be open to the inspection of candidates and other persons interested at any election, or in any question at which any such owner or proxy claims to vote, subject to such rules as the returning officer or chairman may prescribe for the prevention of loss, injury, or disorder.

24. *Repeal of 21 & 22 Vict. c. 98, s. 14.*] The fourteenth section of the "Local Government Act, 1858," is hereby repealed.

25. *Power to divide districts into wards at any time, and to settle disputes as to boundaries.*] The Local Government Board may at any time divide a district into wards according to the provisions contained in the twenty-fourth section of the said last mentioned Act, and may from time to time, after local inquiry, alter and re-adjust the areas, boundaries, or numbers of the representatives of the several wards in any district as they shall deem expedient: provided, that where the district and wards shall have been formed by provisional order, such alteration or re-adjustment shall be made by provisional order only.

And where any dispute shall exist as to the boundaries of adjoining districts, the said board may, upon the application of the boards interested therein, after local inquiry, make an order to settle the same, and shall publish such order when made in one or more newspapers circulating in the respective districts.

Such order, from a date to be appointed therein, shall be conclusive upon the question to which it relates.

26. *Provision for uniform election of boards in March.*] Whereas it is advisable that there should be uniformity in the time at which all local boards formed under any of the Sanitary Acts shall annually commence their term of office:

Now, therefore, henceforth the last last day for receiving nominations for every local board heretofore or hereafter constituted under any provision of the Sanitary Acts or any Act embodying the provisions thereof, except in the district of Oxford, shall be the twenty-sixth day of March in every year; but if the twenty-sixth day of March be Sunday, Good Friday, or Easter Monday, the last day for receiving such nominations shall be the twenty-seventh day of March, or if it be Easter Sunday, such last day shall be the twenty-eighth day of March, and in any of these events the days for all the subsequent proceedings of the election shall be settled accordingly, in conformity with the intervals provided by the above mentioned Acts, and the day of election shall in all cases be the day appointed in the notice for the collection of the voting papers.

Provided that all elections which but for this Act would have commenced before the twenty-sixth day of March next shall be postponed until such day, and the members in office, where no election shall be pending at the passing of this Act, who would be required to go out of office sooner shall be entitled to continue in office until such day, and the members who would have continued to hold office after the said twenty-sixth day of March shall be entitled to hold their office as if they had been nominated on the twenty-sixth day of March next after the day on which the election took place; or, in the case of a member elected to fill a casual vacancy, on the twenty-sixth day of March next after the day of the election of the member whose place he filled, regard being had to the successive periods of retirement provided for in the Sanitary Acts with respect to members of local boards.

27. *Day of the annual meeting.*] The annual meeting of every local board shall be held as soon as convenient after the completion of the annual election.

28. *Local Government Board may increase or diminish number of members.*] The Local Government Board may, after local inquiry, increase or diminish, by order, the number of members of a local board.

29. *How meetings of owners and ratepayers to be summoned in districts.*] When for the purpose of passing a resolution in the manner prescribed for the adoption of the Local Government Act, 1858, it is necessary that a meeting of owners of property and ratepayers in any urban sanitary district should be summoned, the mayor of the borough, or the chairman or acting chairman of the sanitary authority of the district, as the case may be, shall be the summoning officer of such

meeting of owners and ratepayers, and shall be the chairman of the meeting, and shall conduct the same to its conclusion.

All expenses lawfully incurred by him in and about such meeting shall be paid out of the funds of the authority applicable to their general expenses.

If the mayor or chairman, as the case may be, shall be unable or unwilling to preside at the meeting or at the poll in the said Act provided, the town council or the sanitary authority respectively shall appoint some other person to preside.

30. *Provision as to the contracts of local boards.*] The limit of the amount of any contract of a local board which is required by the eighty-fifth section of the "Public Health Act, 1848," to be executed under seal, shall be enlarged to fifty pounds.

Provisions as to the Acquisition of Property.

31. *Extension of Lands Clauses Consolidation Act to easements and rights.*] The Lands Clauses Consolidation Act, 1848, may, when put in force under any provision of the Sanitary Acts, be applied to all land, easements, and rights in, over, or upon land, whether situated within or without the district of the sanitary authority.

32. *Provision for lands belonging to the Duchy of Lancaster.*] The Chancellor and Council of the Duchy of Lancaster for the time being may, if they shall think fit, (but subject and without prejudice to the rights of any lessee, tenant, or occupier,) from time to time contract and agree with any sanitary authority for the sale of, and may (subject as aforesaid) absolutely make sale and dispose of, for such sum or sums of money as to the said Chancellor and Council shall appear sufficient consideration for the same, the whole or any part of any messuage, building, land, or hereditaments belonging to her Majesty, her heirs or successors, in right of the said Duchy, or any right, interest, or easement in, through, over, or upon any such messuage, building, land, or hereditaments which, for the purposes of any of the Sanitary Acts, such sanitary authority from time to time deem it expedient to purchase; and upon payment of the purchase money as provided by the Duchy of Lancaster Lands Act, 1855, the said Chancellor and Council may grant and assure to the said authority, under the seal of the said Duchy, in the name of her Majesty, her heirs or successors, the subject of such contract and agreement or sale, and such money shall be dealt with as if such subject had been sold under the authority of "The Duchy of Lancaster Lands Act, 1855."

33. *Power to purchase water mills, dams, and weirs.*] Any sanitary authority may, subject to the provisions of this Act and of the Sanitary Acts, buy up any water mill, dam, or weir which interferes with the proper drainage of or the supply of water to its district, and may, for the purpose of supplying its district with water for drinking and domestic purposes, purchase, either within or without its district, any land covered with water, or any water or right to take or convey water; and for the purpose of buying up any of the properties aforesaid, the Lands Clauses Consolidation Act, 1845, and any Act amending the same, shall be incorporated with this section, but the compulsory powers of purchase contained in the said Lands Clauses Act shall not be exercised except in pursuance of a provisional order of the Local Government Board.

34. *Urban sanitary authority may let land or premises.*] Any urban sanitary authority not heretofore empowered to do so may let temporarily, or for a term of years, with the consent of the Local Government Board, any land or premises which they may possess, as and when they can conveniently spare the same.

35. *Notice to owners and occupiers may be given in other months than November and December.*] The notices which, by the seventy-fifth section of the Local Government Act, 1858, are required to be given in the months of November and December, may be given in the months of September and October or of October and November, but no inquiry preliminary to the provisional order to which such notices refer shall be held in either of such two last-mentioned cases until the expiration of one month from the end of the second of the two months in which the notices are given.

Borrowing Powers.

36. *Amendment of 21 & 22 Vict. c. 98, s. 57, regarding loans to sanitary authorities.*] The fifty-seventh section of the

Local Government Act, 1858, shall extend to re-borrowing for the purpose of discharging previous loans, as well as to original loans, and be amended so that the following provision shall be substituted for that contained in the paragraph No. 2, namely,

The money so borrowed shall not at any time exceed, with the balances of all the outstanding loans of the sanitary authority under the Sanitary Acts, in the whole, the assessable value for two years of the premises assessable within the district in respect of which such money may be borrowed, and the time for which the money may be borrowed shall not exceed sixty years, instead of thirty years as in the said section is declared.

Provided that where the proposed loan with such balances would exceed one year's assessable value, the Local Government Board shall not give their sanction to the loan until a local inquiry shall have been held by one of their inspectors, and his report of the result of such inquiry shall have been received by them:

Provided also, that where a loan is effected to pay off a previous loan, the time for repayment shall not extend beyond the unexpired term of the period for which the original loan was contracted, unless with the sanction of the Local Government Board, and shall in no case be extended beyond the period of sixty years from the date of the original borrowing:

Provided further, that nothing herein contained shall enable the Public Works Loan Commissioners to advance money under any provision of the Sanitary Acts for a longer period than fifty years.

37 *The 21 & 22 Vict. c. 98, s. 73, and 24 & 25 Vict. c. 61, s. 19, repealed.*] The seventy-eighth section of the last-mentioned Act and the nineteenth section of the Local Government Act Amendment Act, 1861, are hereby repealed, except so far as either of them may apply to any proceedings commenced but not completed at the passing of this Act.

Audit of Accounts.

38. *Auditor to audit accounts of officers.*] The power of the auditor to audit the accounts of sanitary authorities under the several Acts applicable thereto shall extend to the accounts of the officers, assistants, or servants of the said authorities who are required to receive moneys or goods on behalf of such authorities, with the same consequences and subject to the same powers as in the case of the members of the boards of such authorities.

It shall be sufficient if the Local Board give fourteen days' notice of the audit, instead of twenty days' notice as required by the sixtieth section of the Local Government Act, 1858.

39. *Amendment of 35 & 36 Vict. c. 79, as to taxation of bills.*] The taxation of bills referred to in section fifty of the principal Act may be made by the clerk of the peace as well as by his deputy.

40. *Notices how to be signed.*] Every notice required to be given on behalf of a sanitary authority shall be deemed to be sufficient on their behalf, if it be written or printed, or partly written and partly printed, and purports to be signed by the clerk or acting clerk, surveyor, or inspector of nuisances, of such authority.

Byelaws.

41. *Prohibition of works before approval.*] No work for which a notice, plan, or description is required by any byelaw legally made and confirmed under any statute in that behalf to be laid before a sanitary authority shall be commenced before the expiration of one month from the day on which the said notice, plan, or description shall have been delivered to such authority at their office, or at the office of their surveyor, nor at all if the said authority give notice of disapproval within one month from the day of such delivery, unless the person proposing to execute the work can show that the same is in every respect conformable to every such byelaw as well as to the general law applicable to it.

42. *Costs of sanitary authority in removing works to be recovered by summary proceeding.*] Where any sanitary authority incurs expenses in or about the removal of any works executed contrary to any byelaw, such authority may recover, by proceeding before justices in a summary manner, subject to the same consequences and incidents as in other cases under the Sanitary Acts, the amount of such expenses from the person executing the works removed, or from the person

causing the said works to be executed, at the discretion of such authority.

43. *Provision for continuing breaches of byelaws.* Where a sanitary authority may lawfully remove, alter, or pull down any work begun or done in contravention of any byelaw, or where the beginning or the doing of the work is an offence in respect whereof the offender is liable under such byelaw to a penalty, the continued existence of the work in such a form and state as to be in contravention of the byelaw shall be deemed to be a continuing offence, within the provision of the Sanitary Acts applicable to byelaws, during a period of one year from the day when the offence was committed, or the byelaw was broken.

44. *Byelaws as to roofs, foundations, and spouts of houses.* The power of making byelaws in regard to the walls of buildings shall be extended to the roofs, foundations, and spouts on the outside thereof, and for purposes of health as well as for the purposes of stability and protection against fire.

45. *Byelaws as to hop pickers.* Every sanitary authority may make byelaws, to be confirmed by the Local Government Board, for regulating the lodging and other treatment of persons engaged in hop picking in the district of such authority.

46. *Byelaws made for prevention, &c., of nuisances to be submitted to Local Government Board. Confirmation of regulations under Common Lodging Houses Act.* The byelaws made by the council of any municipal corporation under the provisions of the nineteenth section of the Act of the fifth and sixth years of King William the Fourth, chapter seventy-six, for the prevention and suppression of such nuisances as are the subjects of byelaws to be made under section thirty-two of the Local Government Act, 1858, shall be submitted to the said Local Government Board, who shall confirm or disallow the same as to them shall seem right, and when any such byelaw shall have been so confirmed it shall be published and enforced as other byelaws made under the Sanitary Acts; and the regulations to be made by the local authority under the ninth section of the Common Lodging Houses Act, 1851, shall be confirmed by the Local Government Board instead of by one of Her Majesty's Principal Secretaries of State.

Confirmation of byelaws. And where any byelaw is required to be confirmed by the Local Government Board, no confirmation by any other authority shall be required.

47. *Regulations as to lodgings in every sanitary district.* The Local Government Board may, at its discretion, by notice to be published in the London Gazette, declare the enactment contained in section thirty-five of the Sanitary Act, 1866, to be in force in any part of the metropolis and in the district of any sanitary authority, notwithstanding the restrictions in the said section contained; and from and after the publication of such notice the authority named therein shall be empowered to make regulations in respect of the matters in that section mentioned, but such regulations shall not be of any validity unless and until they are confirmed by the Local Government Board.

Regulations made under the said section may extend to ventilation of rooms, paving and drainage of premises, the separation of the sexes, and to notices to be given and precautions to be taken in case of any dangerously infectious or contagious disease, under the powers of this Act, or of the principal Act, or of the Acts therein mentioned.

48. *Notice, inspection, and publication of bye-laws of rural sanitary authorities.* Any rural sanitary authority who shall propose to make any bye-law under the Sanitary Acts shall cause a copy of the proposed bye-law to be deposited in their board room for the space of one month before applying to the Local Government Board for confirmation, and the same shall be open to inspection, and copies shall be furnished upon the same terms, and there shall be the same notice of application for confirmation as in the case of the bye-laws of an urban sanitary authority.

All bye-laws made by a rural sanitary authority, when confirmed, shall be printed, and a copy thereof shall be hung up in their board room, and a copy shall be transmitted to the overseers of every parish to which the same shall apply, to be deposited with the public documents of the parish, and to be open to the inspection of any ratepayer in the parish at all reasonable hours.

And the clerk of the rural sanitary authority shall deliver

a copy of the bye-law, when so confirmed, to any ratepayer of the district upon his application for the same.

49. *Notice of common lodging houses and slaughter houses to be affixed on premises.* The keeper of every common lodging house which is registered under the Common Lodging Houses Acts, and the owner or occupier of every slaughter-house causing the same to be licensed or registered, as the case may be, under the Sanitary Acts, shall, when required to do so by the authority registering or licensing the same, cause a notice with the words "Registered Lodging House," or "Licensed or Registered Slaughter House," as the case may be, to be affixed on some conspicuous place on the outside of the premises where the same can be seen by any inspector or officer of the sanitary authority.

Such notice shall be affixed within one month after the registration or licence, as the case may be, and shall be continued undefaced and legible so long as the premises are used for the purpose.

Every person who shall make default in this respect, or shall neglect or refuse to affix or renew such notice after requisition in writing from the sanitary authority, shall be liable to a penalty not exceeding five pounds for every offence, and of ten shillings for every day that the neglect shall continue after conviction.

Miscellaneous Sanitary Provisions.

50. *Provision for polluted water in wells and pumps.* If it shall be represented to any nuisance authority in the metropolis or to any sanitary authority that within their district the water in any well, tank, or cistern, public or private, or supplied from any public pump, and used or likely to be used for domestic purposes, is so polluted as to be injurious to health, such authority may apply to any justices having jurisdiction within their district, in petty sessions assembled, for an order to remedy the same, and thereupon such justices shall summon the person occupying the premises to which the well, tank, or cistern belongs, if it be private, and, as regards any public well, tank, or cistern, or pump, such other person as shall be alleged in the application to be interested in the same, and shall either dismiss the application or make such an order in the case, by directing the well, tank, or cistern, or pump to be permanently or temporarily closed, or the water to be used for certain purposes only, or providing otherwise, as shall appear to them to be requisite to prevent injury to the health of persons drinking the water.

For the purposes of such inquiry, the said justices may cause the water to be analysed at the cost of the sanitary authority applying.

And all the expenses incurred by such authority in and about the procuring of this order, and in carrying it into execution, shall be charged upon the funds applicable to their general expenditure, but, in the case of a rural sanitary authority, shall be deemed to be special expenses within the meaning of the Sanitary Acts.

Provided that where the order is made in respect of any private well, tank, or cistern, any person aggrieved thereby may appeal against the same in the manner provided by the one hundred and thirty-fifth section of the Public Health Act, 1848, and with the same incidents and consequences.

Where the justices dismiss the application, they may, if they think fit, award such costs to the person summoned as to them shall appear to be reasonable.

51. *Hospital when to be deemed within district.* For the purposes of the twenty-sixth section of the Sanitary Act, 1866, every hospital or place for the reception of the sick which shall be declared by an order of the Local Government Board to be situated within a convenient distance of the district of any authority, for the purposes of that section shall be deemed to be within the district of such authority.

52. *Provision for the execution of order of a justice removing sick person to a hospital.* Where a justice shall make an order under that section for the removal of a sick person to a hospital or other place, he shall address it to such police or other officer as he shall consider expedient; and every person wilfully disobeying the order, or obstructing the execution of the same, shall be guilty of an offence punishable on summary conviction before two justices, and be liable to a penalty not exceeding ten pounds.

52. *Extension of 35 & 36 Vict. c. 79, ss. 51, 52, to the metropolis.* The fifty-first and fifty-second sections of the principal Act shall apply to the metropolis, and the local authorities empowered to execute the Nuisance Removal

Acts in the metropolis and in the city of London respectively shall be deemed to be sanitary authorities within the operation of the said fifty-first section, and shall be empowered to pay the expenses to be incurred by them under those sections out of their general rate.

53. *Extension of right of complaint under Nuisances Removal Acts.* The right of complaint given by the thirteenth section of the twenty-third and twenty-fourth years of the reign of her Majesty, chapter seventy-seven, shall extend to nuisances in any parish or place, whether on private or public premises, and may be exercised by any inhabitant in such parish or place or by any owner of premises situated therein, or by any other person aggrieved or injuriously affected thereby.

54. *The provisions of the Nuisances Removal Act for England (Amendment) Act, 1863, extended.* The second section of the Nuisances Removal Act for England (Amendment) Act, 1863, shall extend to milk in the same manner as if that word had been introduced after the word "flour" wherever the word "flour" occurs in the said section; and the justice who under the said section is empowered to convict the offender therein described, may be other than the justice who may have ordered the article to be disposed of or destroyed.

55. *Warrant may be granted by a justice to search for un-sound food.* On complaint made by a medical officer of health or by any inspector or other officer of a nuisance authority in the metropolis, or of any sanitary authority upon oath, any justice may grant a warrant to any such officer to enter any building or part of a building or other place in which the complainant has reasonable ground for believing that any animal, carcase, meat, poultry, game, fish, fruit, vegetables, corn, bread, flour, milk, intended for sale for the food of man, which is so diseased, unsound, or unwholesome, as to be unfit for the food of man, is kept or concealed, and to search for, seize, and carry away any such animal, carcase, meat, poultry, game, fish, fruit vegetables, corn, bread, flour, or milk, in order to have the same dealt with in manner provided by law; and any person obstructing any such officer in performance of any duty under this section shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding twenty pounds.

56. *Penalty on false representations with respect to infectious disease.* If any owner or occupier or person employed to let for hire, or to show for the purposes of letting for hire, any house or part of a house, when questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being in such house, or having within six weeks previously been therein, any person suffering from an infectious, contagious, or epidemic disease, knowingly makes a false answer to such question, the person so answering falsely shall be guilty of an offence punishable on summary conviction, and at the discretion of the justices having cognizance of the case, be liable to be imprisoned, with or without hard labour, for a period not exceeding one month, or to pay a penalty not exceeding twenty pounds.

Interpretation of Words

57. *Interpretation of words.* All the words used in this Act shall have the same meaning as assigned to them in the Sanitary Acts as defined by the principal Act; and all the provisions of the Sanitary Acts shall apply to this Act, except so far as they shall be repealed hereby, or shall be inconsistent with anything herein contained.

Provided that all rights, powers, and authorities saved by any of the said Acts, and not transferred or expressly repealed by this Act, and all enactments incidental to such rights, powers, and authorities, shall be and remain in full force and validity,

The term "sanitary authority" used in the forty-first and forty-second sections of the Public Health Act, 1872, shall be held to include a local board of health constituted for the purposes of main sewerage only; and the term "consent" used in the twenty-fifth section of the said Act shall be deemed to apply and to have applied to a consent given either before or after the passing of the resolution for the adoption of the Acts or for the constitution of the district therein referred to.

58. *Extent of Act.* This Act shall not apply to Scotland or Ireland.

59. *Title of Act.* This Act may be cited as "The Sanitary Law Amendment Act, 1874."

CAP. XC.

An Act to declare the Validity of Orders of the Education Department, with respect to United School Districts, and to make better Provision with respect to such Orders, [7th August, 1874.]

CAP. XCI.

An Act to amend the Law relating to the Council of the Governor-General of India. [7th August, 1874.]

Whereas it is expedient to amend the law relating to the Council of the Governor-General of India:

Be it enacted, &c.

1. *Number of Members of Governor-General's Council may be increased.* 24 & 25 Vict. c. 67. 32 & 33 Vict. c. 97.] It shall be lawful for her Majesty, if she shall see fit, to increase the number of the ordinary Members of the Council of the Governor-General of India to Six, by appointing any person, from time to time, by warrant under her Royal Sign Manual, to be an ordinary Member of the said Council in addition to the ordinary Members thereof appointed under section three of the "Indian Councils Act, 1861," and under section eight of the Act of the thirty-second and thirty-third years of her present Majesty, chapter ninety-seven. The law for the time being in force with reference to ordinary Members of the Council of the Governor-General of India shall apply to the person so appointed by her Majesty under this Act, who shall be called the Member of Council for Public Works purposes.

2. *Number of Members of Council may be subsequently diminished.* Whenever a Member of Council for Public Works purposes shall have been appointed under the first section of this Act, it shall be lawful for her Majesty, if she shall see fit, to diminish, from time to time, the number of the ordinary Members of the Council of the Governor-General of India to Five, by abstaining so long as she shall deem proper from filling up any vacancy or vacancies occurring in the offices of the ordinary Members of the said Council appointed under section three of "The Indian Councils Act, 1861," and under section eight of the Act of the thirty-second and thirty-third years of her present Majesty, chapter ninety-seven, not being a vacancy in the office of the ordinary Member of Council required by law to be a barrister or a member of the Faculty of Advocates in Scotland; and whenever the Secretary of State for India shall have informed the Governor-General of India that it is not the intention of her Majesty to fill up any vacancy, no temporary appointment shall be made to such vacancy under section twenty-seven of "The Indian Councils Act, 1861," and if any such temporary appointment shall have been made previously to the receipt of such information, the tenure of office of the person temporarily appointed shall cease and determine from the time of receipt of such information by the Governor-General.

3. *Not to affect power of Governor-General in respect of his Council.* Nothing in this Act contained shall affect the provisions of section eight of "The Indian Councils Act, 1861," or the provisions of section five of the Act of the thirty-third year of her Majesty, chapter three, or any power or authority vested by law in the Governor-General of India in respect of his Council or of the members thereof.

CAP. XCII.

An Act to provide for the Transfer to the Admiralty and the Secretary of State for the War Department of Alderney Harbour and certain Lands near it.

[7th August, 1874.]

CAP. XCIII.

An Act to amend the Law relating to Public Health in Ireland. [7th August, 1874.]

CAP. XCIV.

An Act to amend the Law relating to Land Rights and Conveyancing, and to facilitate the Transfer of Land in Scotland. [7th August, 1874.]

CAP. XCV.

An Act to continue certain Turnpike Acts in Great Britain, and to repeal certain other Turnpike Acts; and for other purposes connected therewith.

[7th August, 1874.]

* For the previous Act on this subject see cap. 35.

CAP. XCVI.

An Act for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary.*

[7th August, 1874.]

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- Stamp duties to be paid on admission of an advocate to be a barrister, and vice versa, Sect. 1.
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BETTING:

- To amend the Act 16 & 17 Vict. c. 119, intituled "An Act for the Suppression of Betting Houses." Ch. 15. page 1
- Construction, short title, and commencement of Act, Sects. 1, 2.
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BISHOP OF CALCUTTA. See Calcutta, Bishop of.

BOARD OF TRADE ARBITRATIONS, &c.:

- To amend the powers of the Board of Trade with respect to inquiries, arbitrations, appointments, and other matters under special Acts; and to amend the Regulation of Railways Act, 1873 (36 & 37 Vict. c. 48), so far as regards the reference of differences to the Railway Commissioners in lieu of Arbitrators. Ch. 40. page 8
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BOUNDARIES OF ARCHDEACONRIES AND RURAL DEANERIES:

- To facilitate the re-arrangement of the Boundaries of Archdeaconries and Rural Deaneries. Ch. 63.
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BREWING, SUGAR USED IN. See Customs and Inland Revenue.

BRITISH WHITE HERRING FISHERY. See Herring Fishery Barrels.

BUILDING SOCIETIES:

- To consolidate and amend the Laws relating to Building Societies. Ch. 42. page 9
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- Application of Act to Scotland, 6.
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- To make provisions respecting the Stamp Duty on Transfers of Stock of the Government of Canada. Ch. 26.
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CHURCHES AND CHAPELS EXEMPTION (SCOTLAND):

To provide for the Exemption of Churches and Chapels in Scotland from Local Rates and Assessments. Ch. 20.

CIVIL BILL COURTS (IRELAND):

To enlarge the Jurisdiction of the Civil Bill Courts in Ireland in respect to the recovery of Balances due on partnership Accounts, and in respect of Actions involving Questions of Title to corporeal and incorporeal Hereditaments. Ch. 66. page 28

Balances of partnership accounts, whether ascertained or not at the time of the issuing process, not exceeding £40, and actions involving title to corporeal or incorporeal hereditaments, may be brought in the civil bill court, but decrees in the latter cases shall not be evidence of title in other actions, Sect. 1.

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To empower the Public Works Loan Commissioners to advance a sum of money, by way of loan, for the improvement of the Harbour of Colombo in the Colony of Ceylon. Ch. 24.

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COLONIAL ATTORNEYS RELIEF:

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COLONIAL CLERGY:

Respecting Colonial and certain other Clergy. Ch. 77. page 30

Short title, Sect. 1.

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Calcutta, Bishop of. Courts (Straits Settlements).

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Commissioners of Land Tax. See Land Tax Commissioners.

Commissioners of Police, Dublin. See Magistrates (Ireland).

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CONJUGAL RIGHTS (SCOTLAND):

To amend the Conjugal Rights (Scotland) Amendment Act, 1861 (24 & 25 Vict. c. 86). Ch. 31.

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CONJUGAL RIGHTS (SCOTLAND)—continued.

Sheriffs jurisdiction extended to applications for orders to protect property of deserted wives and for the recall of such orders, 2.
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CONSOLIDATED FUND:

To apply the sum of £1,422,797 14s. 6d. out of the Consolidated Fund to the service of the years ending the 31st March, 1873 and 1874. Ch. 1.

To apply the sum of £7,000,000 out of the Consolidated Fund to the service of the year ending the 31st March, 1875. Ch. 2.

To apply the sum of £13,000,000 out of the Consolidated Fund to the service of the year ending the 31st March, 1875. Ch. 10.

To apply a sum out of the Consolidated Fund to the service of the year ending the 31st March, 1875, and to appropriate the Supplies granted in this Session of Parliament. Ch. 56.

— See also Public Works Loans.

CONTRACTS BY INFANTS. See Infants' Contracts.

CONVEYANCING, &c. (SCOTLAND):

To amend the Law relating to Land Rights and Conveyancing, and to facilitate the Transfer of Land, in Scotland. Ch. 94.

Short title, commencement of Act, and interpretation, Sects. 1—3.

Renewal of investiture abolished, 4.

Compositions payable by corporations or trustees or persons having separate interests, 5.

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Estates to vest in heirs without service, 9.

Completion of title when deceased heir not served.

Petition to be proceeded with as if it were a petition for special service, 10.

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CONVEYANCING, &c. (SCOTLAND)—continued.

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How title shall be completed when the holder of an office or proprietor is ex officio a trustee and his successor in office takes the trust, 45.

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Section 11 of Titles to Land Consolidation Act, 1863, repealed. Description of lands contained in recorded deeds may be inserted in subsequent writs by reference merely. Reference already made in recorded deed not challengeable if certain particulars correctly given, 61.

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Section 125 of Titles to Land Consolidation Act, 1863, repealed. Completion of title of executors nominate, or disponee or legatee of an heritable security, or of heir where executors excluded, 63.

Section 127 of last-recited Act, repealed. Executor nominate or disponee mortis causa may complete title by notarial instrument, 64.

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CORRIB, LOUGH. See Lough Corrib Navigation.

COUNCILS (INDIA). See India Councils.

COURTS (COLONIAL) JURISDICTION:

To regulate the Sentences imposed by Colonial Courts where jurisdiction to try is conferred by Imperial Acts. Ch. 27. page 5

Short title, Sect. 1.

Definition of term "colony," 2.

At trials in any colonial courts by virtue of Imperial Acts, courts empowered to pass sentences as if crimes had been committed in the colony, 3.

COURTS (STRAITS SETTLEMENTS):

To extend the Jurisdiction of Courts of the Colony of the Straits Settlements to certain Crimes and Offences committed out of the Colony. Ch. 38.

Jurisdiction of criminal courts of Straits Settlements

COURTS (STRAITS SETTLEMENTS)—*continued.*

extended to offences committed out of the colony,
Sect. 1.

As to apprehension of persons within the colony, 2.

CURRA, LOUGH. See Lough Corrib Navigation.

CUSTOMS AND INLAND REVENUE:

To grant certain Duties of Customs and Inland
Revenue, to repeal and alter other Duties, and to
amend the Laws relating to Customs and Inland
Revenue. Ch. 16. page 4

Short title, Sect. 1.

Repeal of customs duties on sugar, &c., 2.

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opinion of court, 9.

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Schedule, containing the enactments relating to
Inland Revenue repealed by this Act.

—See also Revenue Officers' Disabilities.

CUSTOMS (ISLE OF MAN):

To consolidate and amend the Duties of Customs in
the Isle of Man. Ch. 46.

Duties of customs to be charged in lieu of former
duties, Sect. 1.

Goods duty-paid in Great Britain or Ireland not
chargeable in the Isle of Man unless her Majesty
shall by order in Council direct payment, 2.

Computation of duty on ale or beer removed into
the Isle of Man, 3.

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Ireland, 4.

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Schedule of Acts and parts of Acts repealed.

DEATHS, REGISTRATION OF.—See Registration of Births
and Deaths.

DERBY AND RAPHOE, BISHOP OF. See Foyle College.

DESERTION. See Mutiny.

DISEASE AMONG CATTLE. See Cattle Disease (Ireland).

DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND):

To amend the Drainage and Improvement of Lands
Act (Ireland), 1863. (26 & 27 Vict. c. 88.)
Ch. 32. page 6

Preamble recites 26 & 27 Vict. c. 88, 27 & 28 Vict. c.
72, 28 & 29 Vict. c. 52, and 32 & 33 Vict. c. 72.

Short title, Sect. 1.

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per cent. for 35 years, 2.

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DRAINAGE & C. OF LANDS (IRELAND)—*continued.*

Notices of inspectors' reports having been lodged with
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DUBLIN. See Four Courts Marshalsea, Dublin.

DUBLIN POLICE. See Magistrates (Ireland).

DWELLINGS FOR WORKING MEN. See Working Men's
Dwellings.

EAST INDIA ANNUITY FUNDS:

To make provision for the transfer of the assets and
liabilities of the Bengal and Madras Civil Service
Annuity Funds, and the Annuity Branch of the
Bombay Civil Fund, to the Secretary of State for
India in Council. Ch. 12.

Assets and liabilities of Bengal, Madras, and Bombay
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to the Civil Service Annuity Funds, 3.

EAST INDIA (COUNCILS). See India Councils.

EAST INDIA LOAN:

To enable the Secretary of State in Council of India to
raise Money in the United Kingdom for the Service
of the Government of India. Ch. 3. page 3

Power to the Secretary of State in Council of India to
raise any sum not exceeding £10,000,000, Sect. 1.

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EAST INDIA STOCK. See East India Loan.

EDUCATION AND SCHOOLS. See Elementary Education
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EDUCATION DEPARTMENT ORDERS. See Elementary Edu-
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ELECTORAL DISABILITIES. See Revenue Officers Dis-
abilities.

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ELEMENTARY EDUCATION ACTS, 1870 AND 1873:

To declare the Validity of Orders of the Education
Department with respect to United School Districts,
and to make better Provision with respect to such
Orders. Ch. 90.

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37 Vict. c. 86.

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To provide for the exception of the borough of Wenlock from the category of boroughs under The Elementary Education Act, 1870 (33 & 34 Vict. c. 75). Ch. 39.

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ENDOWED SCHOOLS ACTS AMENDMENT:

To amend the Endowed Schools Acts (32 & 33 Vict. c. 56, and 36 & 37 Vict. c. 87). Ch. 87. page 38
Transfer of powers of Endowed Schools Commissioners to Charity Commissioners, with power to add to Charity Commissioners, Sects. 1, 2.
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EVIDENCE LAW AMENDMENT (SCOTLAND):

To further alter and amend the Law of Evidence in Scotland, and to provide for the recording, by means of Shorthand Writing, of Evidence in Civil Causes in Sheriff Courts in Scotland. Ch. 64.
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EXPIRING LAWS CONTINUANCE:

To continue various expiring Laws. Ch. 76.
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FACTORIES:

To make better provision for improving the health of Women, Young Persons, and Children employed in manufactures, and the Education of such Children, and otherwise to amend the Factory Acts. Ch. 44.

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Short title and commencement of Act, Sects. 1, 2.
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FINES ACT (IRELAND) AMENDMENT:

To explain and amend the Fines Act (Ireland, 1851, (14 & 15 Vict. c. 90), and for other purposes relating thereto. Ch. 72.
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FIR WOOD, USE OF. See Herring Fishery Barrels.

FOUR COURTS MARSHALSEA, DUBLIN:

For the discontinuance of the Four Courts Marshalsea (Dublin), and the removal of Prisoners therefrom. Ch. 21.
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Removal of records from the custody of marshal or other officer, and office abolished, 9.
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FOYLE COLLEGE:

For the better management and regulation of Foyle College, in the city of Londonderry, and for vesting in the governing body of such College the present schoolhouse and premises belonging to such College, and for vesting the right of appointment of head-master of such College in the Bishop of Derry and Raphoe and the Governor of the Honourable the Irish Society. Ch. 79.
Preamble recites 43 Geo. 3, c. 77, and 49 Geo. 3, c. lix.
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Appointment of treasurer, 7.
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Repeal of Acts 48 Geo. 3, c. 77, and 49 Geo. 3, c. lix. Schedule.

GALLE HARBOUR LOAN. See Colombo Harbour Loan.

GAME BIRDS (IRELAND):

For altering the shooting season for Grouse and certain other Game Birds in Ireland. Ch. 11.
Preamble recites 37 Geo. 3, c. 21, (I).
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GAMING. See Betting.

GOVERNOR-GENERAL OF INDIA. See India Councils.

GREAT SEAL OFFICES:

To provide for the abolition of certain offices connected with the Great Seal, and to make better provision respecting the office of the Clerk of the Crown in Chancery. Ch. 81. page 33.
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GREAT SEAL OFFICES—continued.

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GROUSE-SHOOTING. See Game Birds (Ireland).

HARBOURS. See Alderney Harbour. Colombo Harbour, Isle of Man Harbours.

HERRING FISHERY BARRELS:

To remove the Restrictions contained in the British White Herring Fishery Acts in regard to the use of Fir Wood for Herring Barrels. Ch. 25.
 So much of 55 Geo. 3, c. 94, or any other Act, as prohibits white herrings from being cured, &c., in any barrels made of fir repealed, but Crown brand cannot be demanded except under regulations to be made by the Commissioners, Sect. 1.
 Jurisdiction and penalties, 2.

HERTFORD COLLEGE, OXFORD:

For dissolving Magdalen Hall, in the University of Oxford, and for incorporating the Principal, Fellows, and Scholars of Hertford College; and for vesting in such College the lands and other property now held in trust for the benefit of Magdalen Hall. Ch. 55.

Preamble recites 55 Geo. 3, c. 95, and 56 Geo. 3, c. 136.
 Short title, Sect. 1.
 Dissolution of Magdalen Hall and creation of Hertford College, and transfer of property from trustees to Hertford College, 2, 3.
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HERTFORD (COUNTY OF) AND LIBERTY OF ST. ALBAN.

For altering the Boundaries between the Liberty of St. Alban and the rest of the County of Hertford; and making better provision for the transaction of County Business, and Administration of Justice at Quarter Sessions in that County. Ch. 45.
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To transfer parts of the Holyhead Old Harbour Road from the Board of Trade to the Local Board of Health of the town of Holyhead; and for other purposes. Ch. 30.

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INDIA COUNCILS:

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LAND TAX COMMISSIONERS:

To appoint additional Commissioners for executing the Acts for granting a Land Tax and other rates and taxes. Ch. 18.
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- Temporary continuance of licences forfeited for single offences, 15.
- Constable to enter on premises for enforcement of Act, 16.
- Search warrant for detection of liquors sold or kept contrary to law, 17.
- Occasional licences at fairs and races, &c., 18—20.
- Supply of deficiency in quota of borough justices on joint committee, 21.
- Provisional grant and confirmation of licences to new premises, 22.
- One licence of justices may extend to several excise licences, 23.
- Confirmation of licence to sell liquor not to be consumed on the premises not required, 24.
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- No appeal to quarter sessions in certain cases, 27.
- Substitution of licensing justices for Commissioners of Inland Revenue as respects certain notices, 28.
- Definition of term "owner," 29.
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- Additional retail licence may be granted at special sessions for licensing, 31.
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- Preamble recites the Licensing Act, 1872 (35 & 36 Vict. c. 94).
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- Occasional licences, 4—6.
- Restrictions as to licences for theatres, &c., under section 7 of 5 & 6 Will. 4, c. 39, 7.
- Certificates required previously to grant of wholesale beer dealer's licence, 8.
- Provisions of section 82 of 35 & 36 Vict. c. 94, extended, 9.
- Notice of intended application for licence, 10.
- Exemption from closing in respect of markets, fairs, and certain trades, 11.
- Power to Lord Lieutenant and Privy Council to fix times for grant of certificates, 12.
- Temporary continuance of licences or excise licences forfeited without disqualification of premises, 13.
- Provisions on annual renewal of certificate, 14.
- Amendment of sections 10 and 11 of 3 & 4 Will. 4, c. 68, as to register of licences, 15.
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- As to supply of intoxicating liquors after hours to private friends, 29.
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LOCAL RATES EXEMPTION. See Churches and Chapels Exemption (Scotland).

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LOUGH CORRIB NAVIGATION:

- To authorise "The Lough Corrib Navigation Trustees" to dispose of part of the Navigation in the districts of Loughs Corrib, Mask, and Curra. Ch. 71.

LUNATIC ASYLUMS. See Private Lunatic Asylums (Ireland).

MADRAS ANNUITY FUND. See East India Annuity Funds.

MAGDALEN HALL, OXFORD. See Hertford College, Oxford.

MAGISTRATES (IRELAND), &c.:

- To amend the Acts regulating the Salaries of Resident Magistrates in Ireland, and the Salaries of the Chief Commissioner and Assistant Commissioner of Police of the Police District of Dublin Metropolis. Ch. 23.
- Preamble recites 6 & 7 Will. 4, c. 36, and 16 & 17 Vict. c. 60.
- Repeal of section 34 of 6 & 7 Will. 4, c. 13, and section 1 of 16 & 17 Vict. c. 60, Sect. 1.
- Increase of salary of present magistrates, &c., 2.
- Salary of future magistrates, 3.
- Power to Lord Lieutenant, &c. to vary salaries of magistrates, 4.
- Allowances for travelling, &c., 5.
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- Repeal of section 3 of 22 & 23 Vict. c. 52, and salaries of chief commissioner and assistant commissioner of Dublin police to be fixed by Lord Lieutenant, &c., with approval of Treasury, 7.
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- For the regulation of her Majesty's Royal Marine Forces when on Shore. Ch. 5.

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- To amend the Married Women's Property Act, 1870 (33 & 34 Vict. c. 93). Ch. 50. page 22
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- Extent to which husband liable, 2.
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MIDDLESEX SESSIONS:

To amend the Law respecting the payment of the Assistant Judge of the Court of the Sessions of the Peace for the County of Middlesex, and his deputy, and the Chairman of the Second Court of such Sessions. Ch. 7.

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To amend the Law relating to the Militia. Ch. 29.
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MUTINY:

For punishing Mutiny and Desertion, and for the better payment of the Army and their quarters. Ch. 4.

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PERSONATION:

To render Personation, with intent to deprive any Person of Real Estate or other Property, Felony. Ch. 36. page 8

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